



Environmental Impact Report

Bayview Hunters Point Redevelopment Projects and Zoning

Comments and Responses

San Francisco Redevelopment Agency
San Francisco Planning Department

Planning Department File No. 1996.546E
State Clearinghouse No. 2003062094

Draft EIR Publication Date: October 19, 2004
Draft EIR Public Hearing Dates: December 2, 2004 and
December 7, 2004
Draft EIR Public Comment Period: October 19, 2004 to
December 10, 2004
Draft EIR Certification Date: February 21, 2006

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COMMENTS AND RESPONSES

A. INTRODUCTION

PROJECT REVISIONS

Since publication of the Draft EIR in October 2004, the Redevelopment Agency (Agency), the Bayview Hunters Point Project Area Committee (PAC), the Planning Department, the Mayor's Office, Supervisor Maxwell, community groups, community members, and other City officials have continued to review and consider the land use goals and plans in the Bayview Hunters Point (BVHP) neighborhood. As result of this process, the Agency is proposing several revisions to the Project analyzed in the Draft EIR, as outlined below. The Project described and analyzed in the Draft EIR would amend three existing Redevelopment Plans, encompassing a total of 1,721 acres: the 1,575-acre Hunters Point (HP) Redevelopment Plan, the 126-acre India Basin Industrial Park (IBIP) Redevelopment Plan, and the 20-acre Bayview Industrial Triangle (BIT) Redevelopment Plan. The Draft EIR considered the environmental impacts of rezoning these Redevelopment Plan Areas consistent with the "Rezoning Option C: High Housing Option" set forth in the Planning Department's *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Workbook)*.

The Project revisions now proposed would (1) make no change in the land use designations of the existing Redevelopment Plan in the 126-acre IBIP Redevelopment Plan area, and (2) remove approximately 76 acres of undeveloped land in the Hunters Point (HP) Shoreline Activity Node from the proposed BVHP Redevelopment Plan Area. As explained further below, additional community planning efforts are proposed in these two areas before proposing any new land use designations. The Agency also intends to undertake a further feasibility analysis of the proposed tax increment financing for the BIT Redevelopment Plan before proceeding to adopt amendments to this Redevelopment Plan. Any new land use changes proposed in these areas would undergo additional environmental review.

Northern Gateway Activity Node: India Basin Industrial Park

The draft amendment for the 126-acre IBIP Redevelopment Plan Area involves the creation of a new land use designation along Third Street of a mixed-use residential and commercial zoning district. It also creates a buffer area of commercial and light industrial uses between more intensive industrial areas and the residential area. The plan amendment also proposes to revise a few of the development controls regarding setbacks on minor streets and parking requirements.

Since publication of the Draft EIR, a number of community members, businesses, and other City agencies, including the Port of San Francisco, have raised concerns that residential uses may not be appropriate in this area, particularly north of Evans Avenue on Third Street. In response, over the past several months, an interdepartmental City/Agency working group of representatives of the Mayor's Office of Economic and Workforce Development (MOEWD), District 10 Supervisor Maxwell, the Planning Department, the Port, and the Agency has decided to re-examine the land use policies for the portion of Northern Gateway Activity Node along both sides of Third Street north of Evans Avenue. This re-examination will involve a community planning process with the PAC and other Bayview Hunters Point stakeholders. The objective of this community planning process is to determine if a more focused and specific development strategy for the area can be developed to attract specific businesses that can spur economic growth for this planning sub-area.

The BVHP PAC supports this approach. The Agency has therefore decided to postpone proposed land use changes for the IBIP Redevelopment Plan Area, as contemplated in the Draft EIR. Instead, the Agency will work with the community to develop a consensus on a focused development strategy for this area and propose redevelopment plan amendments, as necessary and appropriate to carry out this community strategy, after the completion of this future planning process.

Since deferral of the IBIP Plan revision would result in retention of the existing land use controls in the IBIP Redevelopment Plan Area through the planning process, the environmental effects of this Project revision are encompassed within the range of

environmental impacts considered in the Draft EIR. (The IBIP Plan Area zoning would remain as shown in Draft EIR Figure III.B-2, Existing Zoning Designations.) The environmental analysis for the Project assumed residential uses in this area, and the No Project Alternative assumed retention of the industrial zoning in the area in the IBIP Redevelopment Plan area along Third Street. In sum, the Draft EIR considered a range of impacts that included a rezoning to residential as well as retention of industrial uses in this area. Consequently, the Project revision would not result in new impacts beyond those described in the Draft EIR.

Hunters Point Shoreline Activity Node: Shoreline Special Use District Area

Within the 131-acre area referred to in the BVHP Redevelopment Plan as the HP Shoreline Activity Node is an approximately 76-acre area, including roads and parks, designated in the Planning Department's *Workbook* as the India Basin Special Use District (also referred to as the "Shoreline Special Use District" or "Shoreline SUD") that has been removed from this Project. Further land use analysis is needed before adoption of a future plan amendment and area-specific controls. (The Shoreline SUD area is shown as the "India Basin Special Use District" in Draft EIR Figure III.B-4.) The earlier *Bayview Hunters Point Community Revitalization Concept Plan (Concept Plan)* had identified this particular area for future mixed-use development, but concluded that a further feasibility analysis was needed to determine the precise type and intensity of development feasible and desirable for the area. For purposes of analysis in the Draft EIR, the Agency and Planning Department assumed that a variety of commercial and industrial uses and a small amount of housing would develop in this area. As a result of comments on the Draft EIR and community input, it has become apparent to the Agency and the Planning Department that the *Workbook* designation of a special use district in this 76-acre area left unresolved the desired nature and intensity of uses for this area and, consequently, the Planning Department needs further direction before it can develop specific zoning controls.

The current zoning in the Shoreline SUD includes a small amount of neighborhood commercial zoned land and a large area of industrial zoned land. The Agency and Planning Department are proposing a joint planning program for the Shoreline SUD, and will work with the PAC, which will continue to provide vital leadership in this community planning process

as the advisory body to the Agency. Preceding this planning effort, interim zoning controls are being developed with Supervisor Maxwell, and will be in place during the planning process to continue the Planning Commission's existing policy for the area (Resolution No. 16202), which is designed to protect currently industrial zoned lands from new development of, or conversion of existing uses to, office, housing or live/work uses while the City develops permanent replacement zoning controls. At the conclusion of the community planning process, the Agency will propose amendments to the BVHP Redevelopment Plan, and the Planning Department will develop permanent Planning Code revisions as necessary and appropriate to carry out the community strategy.

Key features of the interim controls will include:

- All new development projects in the NC-2, M-1 and M-2 zoned areas, and projects that include housing in the NC-2 zone, would be subject to the conditional use process.
- In the industrial-zoned M-1 and M-2 areas, new residential development would be allowed, subject to conditional use, provided it were either: (1) an accessory use to certain specified, permitted uses; (2) contained within a permitted institutional use; or (3) provided at a ratio of no more than one square foot of housing for each four square feet of a permitted non-residential use.
- In the neighborhood commercial areas (NC-2 district) new residential development would be allowed provided it were built above the ground floor and in conjunction with commercial uses that are principally permitted in the NC-2 zoning district.

The removal of this area from the BVHP Redevelopment Plan would result in retention of the existing land use policies for the Shoreline SUD area. The environmental effects of this revision are encompassed within the range of environmental impacts considered in the Draft EIR. The environmental analysis for the Project assumed a small amount of residential development along with a variety of commercial and industrial uses. The No Project Alternative, which assumed retention of the existing, largely industrial zoning in the area, assumed a lesser level of industrial development. As a result of the community planning process, a different mix of uses than either of these options may be recommended for the Shoreline SUD area. For purposes of the Project analysis, however, the retention of the existing industrial zoning for the Shoreline SUD area falls within the range of impacts analyzed in the Draft EIR. The Draft EIR assumed the current, largely industrial zoning for

purposes of the No Project Alternative, and a more intensive level of commercial and industrial development, along with a small amount of residential development with the Project. Consequently, this Project revision would not result in new impacts beyond those analyzed in the Draft EIR. Part of the planning process described above will be to undertake appropriate environmental analysis pursuant to the California Environmental Quality Act (CEQA) for any proposed zoning for the Shoreline SUD area.

Bayview Industrial Triangle Tax Increment Feasibility Study

The proposed study of the feasibility of tax increment financing for the BIT Redevelopment Plan does not entail any change in proposed land uses over what was considered in the Draft EIR for the Project. Therefore, this action is not expected to result in any environmental effects not considered in the Draft EIR.

ENVIRONMENTAL EFFECTS OF PROJECT REVISIONS

The retention of the existing IBIP Redevelopment Plan land use controls, the community planning process addressing future development controls in the Shoreline SUD, and deferral of amendments to the BIT Redevelopment Plan are not expected to result in any new environmental impacts not analyzed in the Draft EIR.

The Draft EIR considered the No Project Alternative, which assumed a continuation of existing zoning throughout the Project Area. The retention of existing zoning in two small areas of the Project area is, therefore, within the range of impacts analyzed for the Project and the No Project Alternative. Further feasibility analysis will not result in different land uses and therefore is not expected to result in environmental effects not considered in the Draft EIR.

Comments and Responses Relating to the IBIP, Shoreline SUD, and BIT

A number of comments on the Draft EIR addressed the environmental effects related to proposed Project land use changes in the IBIP, the Shoreline SUD area, and the BIT. The responses herein respond to those comments as required per CEQA Guidelines, and also in light of the proposed Project revisions presented above. In some cases, the Project revisions

would avoid the effects addressed in the comments, and responses will reference the above discussion of those revisions as appropriate.

ORGANIZATION OF COMMENTS AND RESPONSES

This document contains summaries of the comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Bayview Hunters Point Redevelopment Projects and Rezoning (Project), and responses to those comments. Also included are staff-initiated text changes and errata.

Section B presents a list of those who provided written comments or oral testimony at the public hearings on the Draft EIR before the San Francisco Planning Commission on December 2, 2004, and before the San Francisco Redevelopment Agency (Agency) Commission on December 7, 2004.

Section C, Comments and Responses, presents comments made at the Draft EIR public hearings before the Planning Commission on December 2, 2004, and the Agency Commission on December 7, 2004, and all written comments received during the Draft EIR public review period from October 19, 2004, to December 10, 2004. The comments are presented herein by direct quotation, edited to delete repetition and non-substantive materials only. Minor editorial changes have been made.

Section D, Staff-Initiated Text Changes and Errata, includes EIR text revisions to clarify information in addition to responses to specific comments, and corrections of errata that do not affect overall EIR findings or conclusions.

Comments and responses are grouped by subject matter and are generally arranged by topic corresponding to the Table of Contents in the Draft EIR. The order in which comments are presented may vary from the original letter or testimony. Each group of comments is followed by its set of responses. The order of responses under each topic follows the order of the comments. The responses occasionally include changes in, or additions to, the text of the Draft EIR. These modifications are indented within the response to make them easily discernible. Newly inserted words and phrases are double underlined, as are new sentences

that are incorporated into existing text. Text that is deleted is denoted with ~~strike-through~~. As the subject matter of one topic may overlap that of other topics, the reader must occasionally refer to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross references are provided.

The individual redevelopment projects that make up the Project are referred to as Redevelopment Plan Amendments in this document for purposes of consistency, as they are amending existing Redevelopment Plans, which are referred to as such. These Redevelopment Plan Amendments are sometimes referred to as Redevelopment Plans or Redevelopment Projects in the Draft EIR. Redevelopment Plan Areas refer to the areas that are under the jurisdiction of particular Redevelopment Plans or are proposed to be under the jurisdiction of Redevelopment Plans per the proposed Redevelopment Plan Amendments. Redevelopment Plan Areas are also referred to as Redevelopment Project Areas, or, Project Areas, in the Draft EIR.

Some comments do not pertain to the scope of the Draft EIR, which is limited by CEQA to analyze the physical environmental impacts of the Project. As such, responses indicate that these comments fall outside the scope of CEQA requirements for an EIR, but also address the comments for informational purposes, and to affirm that the commentor's concerns will be distributed to the decision makers for their consideration of whether to approve or disapprove the Project.

Comments and responses will be incorporated into the Final EIR as a chapter separate from the text of the Draft EIR. All text changes to the Draft EIR identified in this Comments and Responses document will also be incorporated into the Final EIR, as indicated in the responses. The public hearing transcripts and a copy of all letters received during the public review period are attached to this document in Appendix A and Appendix B.

B. LIST OF COMMENTORS

Sally Abrams, Written Comments, November 27, 2004

Laura Atkinson, Written Comments, November 29, 2004

Steve Atkinson, Steefel, Levitt & Weiss, Oral Comments, Draft EIR Public Hearing, December 7, 2004, and Written Comments, December 10, 2004

Bruce Balshone, Written Comments, November 29, 2004

David Beaupre, Senior Waterfront Planner, Port of San Francisco, Oral Comments, Draft EIR Public Hearing, December 7, 2004, and Written Comments, December 10, 2004

Lynne Brown, Written Comments, [undated]

Maurice Campbell, Written Comments, December 10, 2004

Robin Chiang, President, Friends of Islais Creek, Written Comments, December 7, 2004

Francisco Da Costa, Oral Comments, Draft EIR Public Hearing, December 2, 2004

William B. Davidson, Written Comments, November 30, 2004

Milagros A. De Guzman and Marlene Marin, Written Comments, December 1, 2004

Department of Toxic Substances Control, Written Comments, November 9, 2004

Kathryn R. Devincenzi, Written Comments, December 10, 2004

Daniel G. Dodt, Director, Bayview OCP, Written Comments, December 9, 2004

Lynne M. Eggers, Written Comments, December 5, 2004

Aryeh Frankfurter, Written Comments, November 29, 2004

Nicky Griffin, Oral Comments, Draft EIR Public Hearing, December 2, 2004, and Draft EIR Public Hearing, December 7, 2004

Michael Hammond, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Kim Harmon, Written Comments, December 1, 2004

Sue C. Hestor, Attorney for Cole Hardware, Oral Comments, Draft EIR Public Hearing, December 2, 2004, and Written Comments, December 10, 2004

Alyson E. Jacks, Written Comments, November 29, 2004

Tim Kelley, President, Landmarks Preservation Advisory Board, Written Comments, December 9, 2004

Angelo King, Chair, Bayview Hunters Point PAC, Written Comments, December 10, 2004, and Oral Comments, Draft EIR Public Hearing, December 2, 2004

Leroy King, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Mark Klaiman, Pet Camp, Written Comments, November 24, 2004

Steve Kundich, AIA, Director of Design & Construction, 400 Paul Wave Exchange, LLC, Written Comments, December 10, 2004

Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC, Written Comments, December 10, 2004

Barbara Kyle, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Bree Lamer, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Peter Leaf, Written Comments, December 4, 2004

Kevyn Lutton, Written Comments, December 9, 2004

Molly N. Maloney, Pooches' Playtime Inc., Written Comments, November 30, 2004

Eugenie Marek, Written Comments, December 1, 2004

Sophia Maxwell, Member, San Francisco Board of Supervisors, Written Comments, December 10, 2004

Azalea Merrill, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Wendy Miller, Written Comments, November 29, 2004

Mary Kathryn Morelli, Written Comments, November 28, 2004

Ron Morgan, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Viola Morris and Barbara Kyle, Bernal Heights Neighborhood Center, Written Comments, November 30, 2004

Edward G. Myrtle, Written Comments, December 1, 2004

Gabriel Proo and Max Kirkeberg, Written Comments, December 9, 2004

James A. Reuben, Attorney, Written Comments, December 6, 2004

Linda Richardson, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Timothy C. Sable, District Branch Chief, IGR/CEQA, Department of Transportation, Written Comments, December 2, 2004

Moli Steinert, Written Comments, December 1, 2004

Courtney Tong and Scott Tsunehara, Written Comments, November 26, 2004

Arnold Townsend, Oral Comments, Draft EIR Public Hearing, December 7, 2004

Astrid Varteressian, Oral Comments, Draft EIR Public Hearing, December 7, 2004

Mike Voss, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Charlie Walker, Oral Comments, Draft EIR Public Hearing, December 2, 2004, and Draft EIR Public Hearing, December 7, 2004

Elias Walker, Oral Comments, Draft EIR Public Hearing, December 2, 2004

Dee Dee Workman, Executive Director, San Francisco Beautiful, Written Comments, December 7, 2004

C. COMMENTS AND RESPONSES

GENERAL COMMENTS ON DRAFT EIR

Comment

All of the maps which show the “redevelopment project areas” and “activity node boundary” in black dashed lines are difficult to read. It is hard to distinguish those lines. Could you find a better way to distinguish them? (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The EIR maps have been revised to distinguish more clearly among between existing Redevelopment Plan Areas (solid lines), proposed Redevelopment Plan Areas (heavy dashed lines), and activity nodes (lighter-dashed lines). The revisions also make minor changes to correct the legends. The seven activity nodes that are depicted on the EIR maps comprise Project Area B, the area proposed to be added to the existing Hunters Point (HP) Redevelopment Plan Area through the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment. Each property in Project Area B is included in one of the activity nodes.

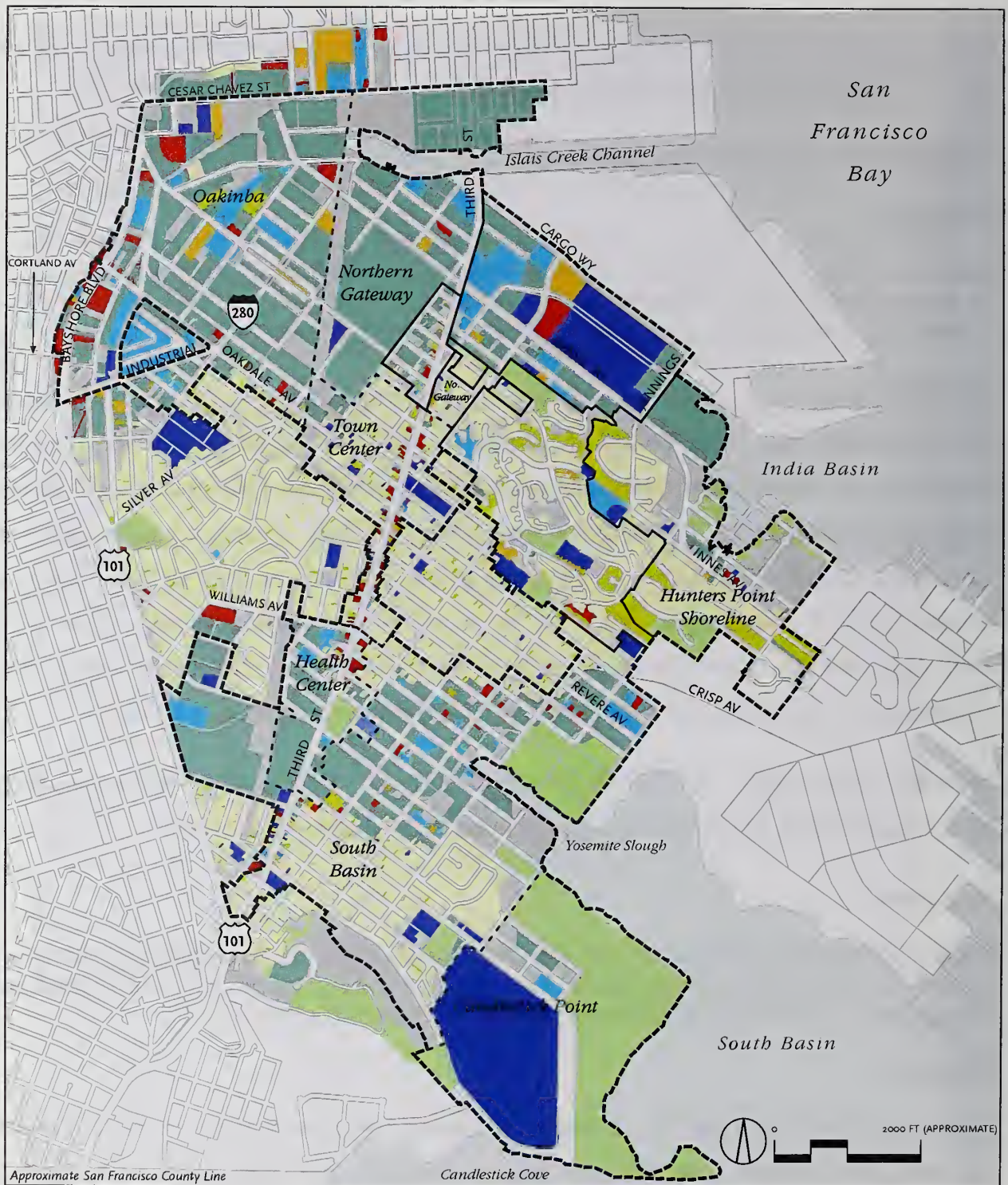
Revised Figures III.B-1, III.B-2, III.B-3, III.B-4, III.L-1, III.M-1, and VI-1 are included below, on pp. C&R-12 to C&R-18 of this Comments and Responses document.

Comment

Finally, commissioners, whenever I’ve come here, I have always stressed quality of life issues which are not found in this document. I’ve stressed for accountability. I’ve stressed for transparency. We don’t find it in this document. (*Francisco Da Costa*)

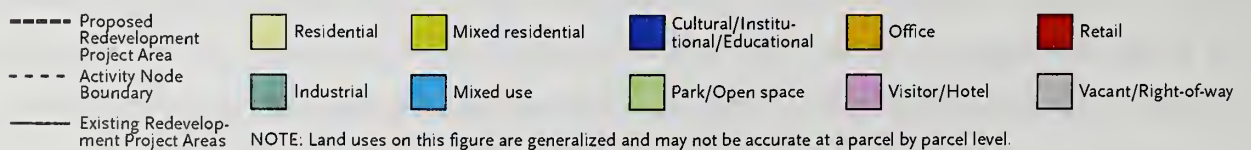
Response

The focus of the Draft EIR is to evaluate the physical environmental effects of the Project, including the proposed Redevelopment Plan Amendments and proposed rezoning, and to identify potential significant adverse environmental impacts and possible mitigation measures to avoid such impacts or reduce the effects to less-than-significant levels. To the extent that quality of life issues are related in measurable physical environmental effects, they have been

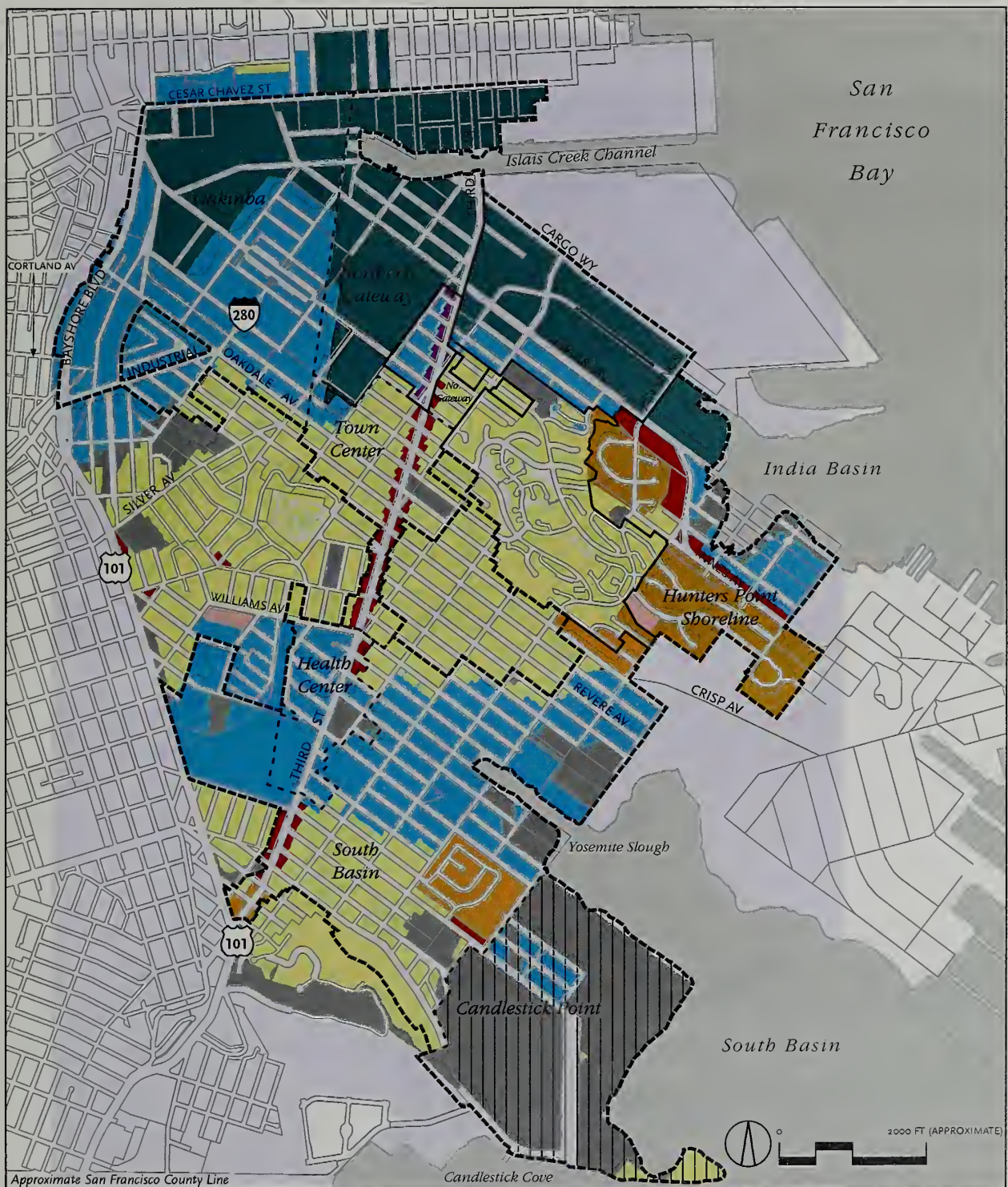


SOURCE: San Francisco Planning Department, 2003

2-3-06



Bayview Hunters Point Redevelopment Plan EIR
FIGURE III.B-1 GENERALIZED EXISTING LAND USES



SOURCE: San Francisco Planning Department, 2003; San Francisco Redevelopment Agency, 2004

2.3.06

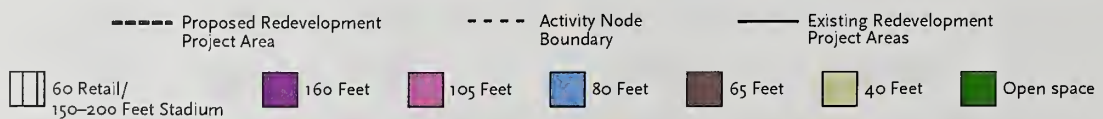
- | | | | | |
|---|--|---|-------------------------|-----------------------------|
| ----- Proposed Redevelopment Project Area | Residential—med density | Neighborhood commercial shopping center | Neighborhood commercial | SFRA Commercial/Residential |
| - - - Activity Node Boundary | Residential—low density | Public | Heavy industrial | Light industrial |
| — Existing Redevelopment Project Areas | Candlestick Point Special Use District | | | |

Bayview Hunters Point Redevelopment Plan EIR
FIGURE III.B-2 EXISTING ZONING DESIGNATIONS



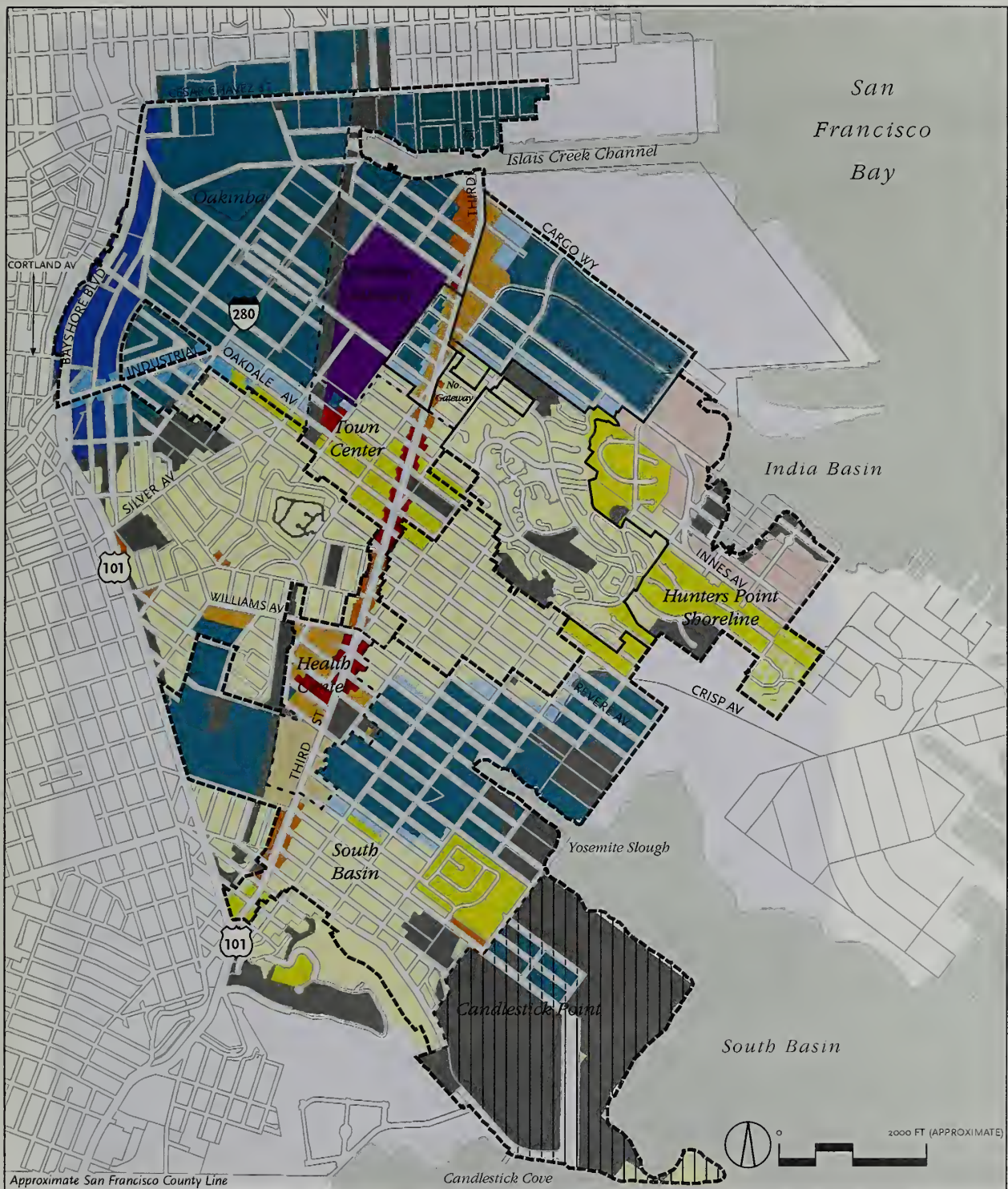
SOURCE: San Francisco Planning Department, 2003; San Francisco Redevelopment Agency, 2004

2-3-06



Bayview Hunters Point Redevelopment Plan EIR

FIGURE III.B-3 EXISTING HEIGHT DISTRICTS

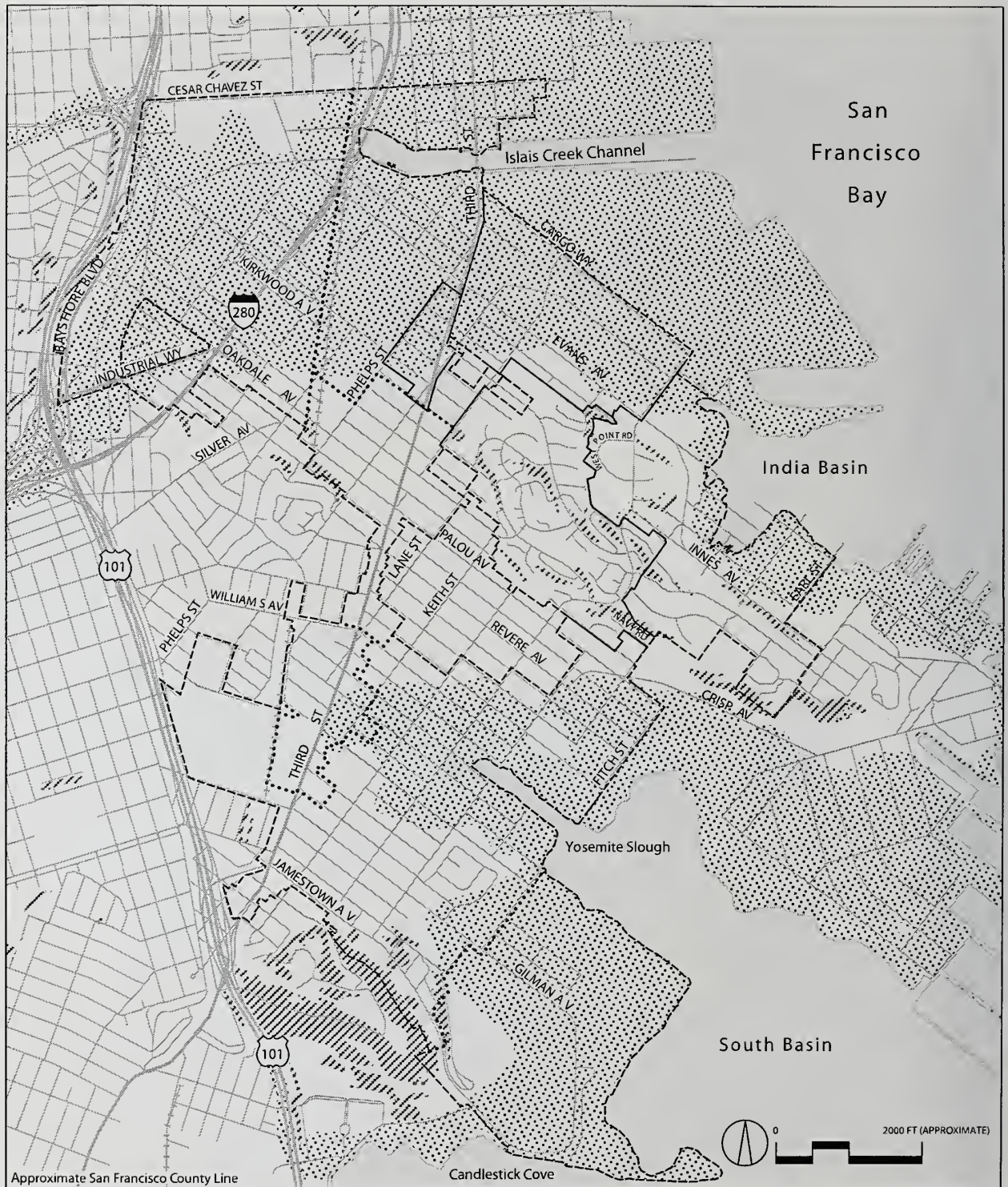


SOURCE: San Francisco Planning Department, 2003; San Francisco Redevelopment Agency, 2004

2-3-06

<p>----- Proposed Redevelopment Project Area</p> <p>- - - Activity Node Boundary</p> <p>— Existing Redevelopment Project Areas</p>	<p>Single Use Districts</p> <p>■ Maritime/Heavy Industrial</p> <p>■ Residential—med density</p> <p>■ Residential—low density</p> <p>■ Candlestick Point Special Use District</p>	<p>PDR Mixed w/Commercial</p> <p>■ PDR/Lg Commercial</p> <p>■ Core PDR</p> <p>■ PDR/Med Commercial</p> <p>■ Light PDR</p>	<p>Residential Mixed w/Commercial and PDR</p> <p>■ Neighborhood Commercial—transit</p> <p>■ Neighborhood Commercial—moderate</p> <p>■ Residential/Commercial</p> <p>■ Residential/PDR</p> <p>■ India Basin Special Use District</p>	<p>Public and Open space</p> <p>■ Public</p>
--	---	--	--	---

Bayview Hunters Point Redevelopment Plan EIR
FIGURE III.B-4 PROPOSED ZONING DESIGNATIONS



SOURCE: California Department of Conservation, Division of Mines & Geology

10-12-04

- | | | | |
|----------------|--------------------------------|---------------|-----------------------------|
| ----- | Redevelopment Project Areas | | Activity Nodes |
| [Stippled Box] | Area of potential liquefaction | [Hatched Box] | Area of potential landslide |

Bayview Hunters Point Redevelopment Plan EIR
FIGURE III.L-1 ADVERSE SOIL CONDITIONS AND SEISMIC HAZARDS

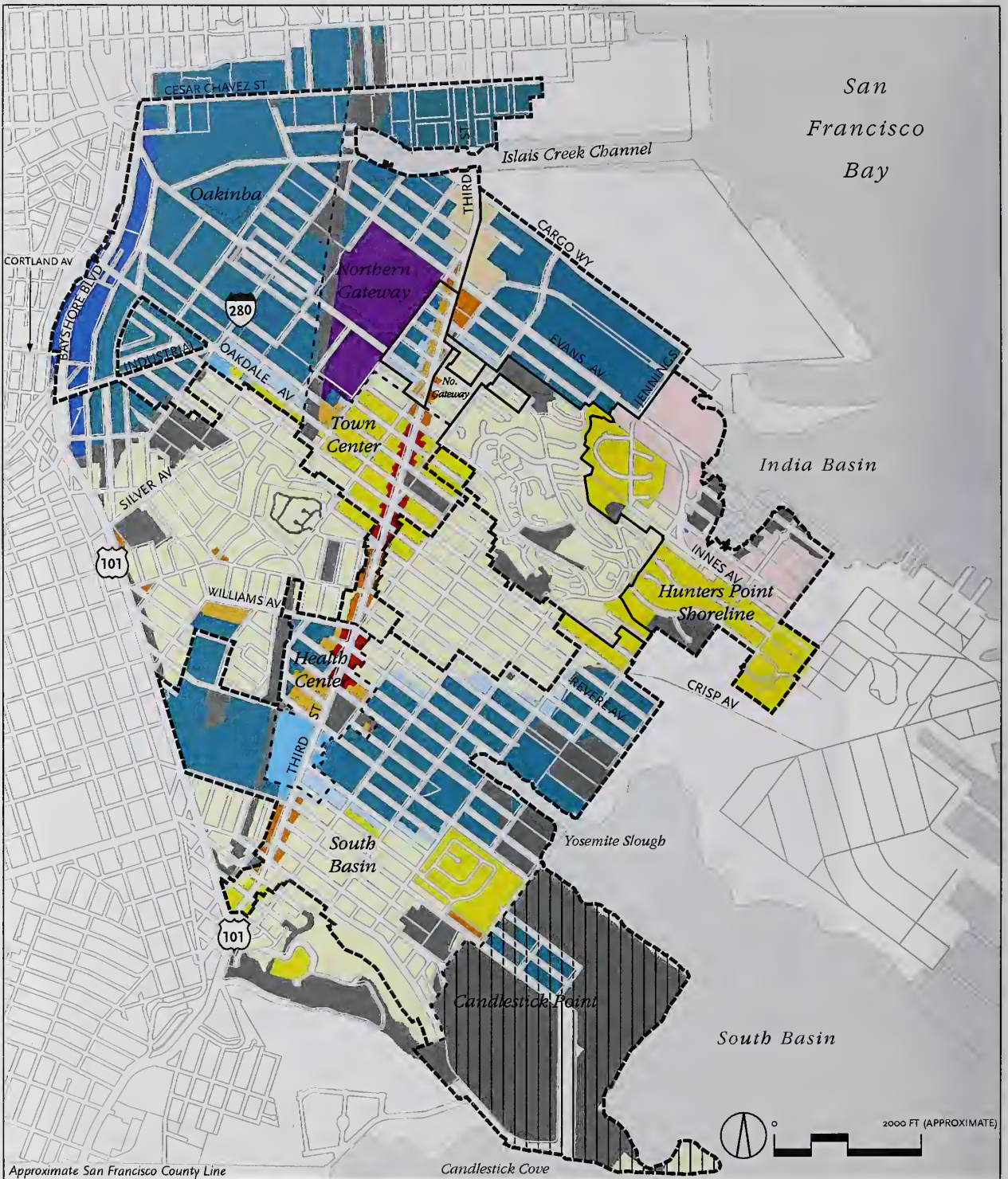


SOURCE: Orion

10-12-04

- - - - - Redevelopment Project Areas Activity Nodes
 ➡ Combined Sewer Outflows (CSOs) ➡ Treated Wastewater Outfall [Hatched Box] Approximate Drainage Area with Separate Stormwater System

Bayview Hunters Point Redevelopment Plan EIR
FIGURE III.M-1 WATER FEATURES AND DRAINAGE FEATURES



SOURCE: San Francisco Planning Department, 2003; San Francisco Redevelopment Agency, 2004

2.3.06

Bayview Hunters Point Redevelopment Plan EIR
FIGURE VI-1 PROPOSED ZONING DESIGNATIONS FOR REZONING: OPTION B

studied in the Draft EIR. Accordingly, possible environmental effects due to changes in traffic, noise, air quality, urban design and visual factors, and other environmental categories are included in the document. The Draft EIR provides information to Project decision makers and the public, as part of the overall public review process for proposed Redevelopment Plan Amendments.

With regards to issues of "transparency" and "accountability" as they pertain to the CEQA process, please refer to the responses to comments in the Notice and CEQA Process section, which follows this response.

NOTICE AND CEQA PROCESS

Comment

DEIR Circulation list

Please note that NOT ONE PERSON OR AGENCY in Bernal Heights is on the circulation list for the DEIR, let alone on the consultation list.

The public list starts at VIII-6. Bernal Heights zip is 94110. The only entities with that zip are (p 8) the National Lawyers Guild in the Mission, (p 12) the Institution for Community Health Outreach in the Mission, and (p 13) the Conservation Corps which has a wrong zip (it is really 94109).

I got this EIR because I get ALL EIRs. The only information people were given about the release of the DEIR came from me. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The availability of the Draft EIR was noticed in accordance with CEQA, CEQA Guidelines, and San Francisco Administrative Code Chapter 31 requirements. Notices were mailed to all property owners in the proposed Project Area, within a 300-foot radius of the Project Area, and all addresses within the 94124 zip code. This area generally includes the area south of Cesar Chavez Street and east of US 101, and would include addresses of property owners in the Bernal Heights area west of US 101 to the extent the properties are within the 300-foot radius. Notices were also mailed to anyone who requested copies of the Draft EIR, and persons on the PAC mailing list (approximately 1,456 persons), which includes addresses

added from attendance lists at public meetings about the Project held by the Agency. The Notice of Availability was also published as a legal advertisement in the San Francisco Chronicle. Additionally, 11 x 17 notices were posted at approximately 50 locations in and around the proposed Project Area. Finally, the Draft EIR was also posted on the Agency website. Prior to the distribution of the Notice of Availability, the Agency published a Notice of Preparation (NOP) of an EIR for the Project on June 3, 2003. There was a 30-day public comment period for this NOP and persons and organizations responding to the NOP had an opportunity to be placed on the distribution list.

Comment

... this report has been very hastily prepared. (*Francisco Da Costa*)

Response

The Draft EIR was completed in a 29-month time period, from May 2002 to October 2004. However, EIP Associates (EIP), the EIR consultants, were initially contracted by the Agency to begin work on the Draft EIR in January 1997. Although Agency staff and the consultant initiated work on the Draft EIR in 1997, staff stopped the consultants' work until the completion of the *Bayview Hunters Point Community Revitalization Concept Plan (Concept Plan)*. This *Concept Plan* was completed and adopted by the Bayview Hunters Point PAC in November 2000. Following the completion of the *Concept Plan*, Agency staff and the PAC focused on completing the drafts of the proposed Redevelopment Plan Amendments. The planning effort for Bayview Hunters Point also included development of the Planning Department's Eastern Neighborhoods Rezoning, discussed in the Draft EIR as appropriate. In order to complete environmental review of the proposed Redevelopment Plan Amendments, EIP resumed work on the Draft EIR in May 2002. EIP worked on the Draft EIR along with Agency and Planning Department staff from May 2002 to October 2004. The Draft EIR was published on October 19, 2004.

Comment

We did have some planning meetings, but we really did not have one single meeting by the planning and by redevelopment that touches on the major elements that are not included in the Draft Environmental Impact (Report). *(Francisco Da Costa)*

Comment

I'm wondering is there some way I can get more materials to make sure I stay in the loop. This is obviously going to affect my property long term. This is the only notice I received. I downloaded the documents. It doesn't have to be from the committee but if someone would let me know how to stay involved, I would appreciate that. Thank you. *(Astrid Varteressian)*

Response

The Agency maintains lists of persons commenting on the Draft EIR or expressing interest in the EIR or the Project, as well as persons on the PAC mailing list. The Agency will mail future notices on the EIR and the Project to the persons on the lists, including EIR commentors who provided their address.

The Agency and the PAC have been evaluating the feasibility of redevelopment activity in the Project Area since 1997. Throughout this time, the Agency and PAC have conducted extensive outreach about the proposed Redevelopment Plan Amendments in the Bayview Hunters Point community, and the PAC has held regular monthly meetings. The Draft EIR Project Description, Chapter II, pp. II-6 to II-11, summarizes the lengthy comment planning process to identify various land use goals embodied in the proposed Project. With the Notice of Availability of the Draft EIR, the Agency initiated formal notification of the proposed Redevelopment Plan Amendments to every property and business owner and resident in the Project Area. Similar formal notification is required for the public hearings on the proposed Redevelopment Plan Amendments.

PROJECT DESCRIPTION

Comment

The San Francisco Redevelopment Agency (SFRA) specifically excluded the BIT and IBIP from the Survey Area. The Draft EIR includes these areas in the "Project Area" under CEQA. It is unclear how these areas can be excluded from the Survey Area, excluded from the

Bayview Hunters Point Redevelopment Project, yet included in the Draft EIR Project Area. The relationship between and among these different geographic designations should be clarified. *(Mark Klaiman)*

Response

As described on p. II-12 of the Draft EIR, amendments to the Bayview Industrial Triangle (BIT) and India Basin Industrial Park (IBIP) Redevelopment Plans were proposed as part of the Project:

“As part of the Project, concurrent redevelopment plan amendments for the 126-acre IBIP and the 20.3-acre BIT Redevelopment Project Areas would revise the land use districts, allowable uses, and development controls of each plan to be consistent with the rezoning work of the Planning Department (as determined during the Eastern Neighborhoods community planning process), and allow housing and mixed-use development along the Third Street LRT corridor. The proposed BIT Redevelopment Plan Amendment also institutes tax increment financing as the means to fund Agency programs and activities in the redevelopment project area.”

The San Francisco Board of Supervisors designated the Bayview Hunters Point Survey Area (Survey Area) in 1995, which included land in the City east of US Highway 101 and south of Cesar Chavez Street, except for the existing Redevelopment Plan Areas of Hunters Point (HP), IBIP, BIT, and Hunters Point Shipyard, and directed the Agency to study the feasibility of redevelopment activities in the Survey Area. The existing Redevelopment Plan Areas were excluded from the Survey Area because the Agency had already established redevelopment plans in these areas. The Project Description section of the Draft EIR includes the IBIP and BIT Redevelopment Plan Areas in the “Project Area” because the Project consists of proposed amendments to IBIP and BIT Redevelopment Plans as well as the new BVHP Redevelopment Plan. The proposed amendments of the IBIP and BIT Redevelopment Plans do not involve any change in the Redevelopment Plan boundaries or changes in land use controls in the BIT area. As discussed pp. C&R-1 to C&R-5 herein, Project Revisions, only the feasibility of the tax increment financing in the BIT is now proposed. The Agency intends to undertake a further planning process before proposing changes in the BIT land use.

Comment

More importantly, the Draft EIR is the wrong place to be discussing amendments to the BIT and IBIP project areas. These Redevelopment Projects have existing Redevelopment Plans and amendments to those plans should be addressed through an amendment process of those Redevelopment Plans, including public involvement of the members of those Project Areas, not indirectly in a Draft EIR addressing a redevelopment project area from which those locations are excluded. *(Mark Klaiman)*

Comment

Further, because the BIT and IBIP were excluded from the survey area, residents, landowners, and businesses were precluded from voting on members to the Project Area Committee (PAC). As such, members of the PAC may or may not represent the interests of the BIT and IBIP. The SFRA based many of its decisions on how to proceed in the Survey Area based on input from the PAC. The SFRA is thus making decisions about the BIT and IBIP without seeking input from these project areas. The PAC and the Draft EIR for the BVHP Project Area are not the forums from which to seek such input. *(Mark Klaiman)*

Response

The Agency has prepared draft amendments for the Bayview Hunters Point (BVHP), India Basin Industrial Park (IBIP), and Bayview Industrial Triangle (BIT) Redevelopment Plans. The IBIP and BIT Redevelopment Plan Amendments would update land use designations to correspond with the basic zoning categories used by the Planning Department in its Eastern Neighborhoods Rezoning project. (As discussed further below, the Agency is not considering land use changes for the IBIP and BIT areas at this time.) The Planning Department has held a number of community workshops and has conducted outreach for the Project for property and business owners and residents of IBIP and BIT. The Agency has held community workshops on its own, specifically on the proposed Redevelopment Plan Amendments for the IBIP and BIT.

The BVHP Project Area Committee (PAC) was formed and its members elected pursuant to state Community Redevelopment Law, because future Agency activities could displace very low-, low-, and moderate-income residents in the BVHP Survey Area. (The election took place in the Survey Area.)

Per the proposed BVHP Redevelopment Plan Amendment, the Agency would have limited eminent domain power within the Project Area B (the area proposed to be added to the

existing Hunters Point (HP) Redevelopment Plan Area through the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment. Notably, the Agency would not have any eminent domain power for property that is zoned residential in the Planning Code (“R” zoning districts). The proposed BVHP Redevelopment Plan Amendment also stipulates a number of conditions that must be met in order for the Agency to consider condemning property. Furthermore, the BVHP Redevelopment Plan Amendment calls for the PAC or, if the PAC no longer exists, an appropriate BVHP citizen’s advisory committee, to review any eminent domain proposals.

The PAC has continued the earlier work started by the New Bayview Committee and the South Bayshore Community Development Corporation in creating a community vision. This vision is articulated in the *Bayview Hunters Point Community Revitalization Concept Plan (Concept Plan)*, as discussed on pp. II.7 and II.8 of the Draft EIR, which the PAC adopted in November 2000, following years of community workshops. The public process that the PAC has pursued since its formation in January 1997 has been open to all residents and other stakeholders in the BVHP area, including those in IBIP and BIT; however, the Agency holds separate, additional community workshops on the proposed Redevelopment Plan Amendments for IBIP and BIT in order to give residents and stakeholders more focused opportunities to participate in planning discussions for those areas.

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency is not proposing changes in land use controls for the IBIP Plan Area as part of the Project. Instead, the Agency will work with the community to develop a consensus on a focused development strategy for this area and propose a redevelopment plan amendment, as necessary and appropriate to carry out this community strategy, after the completion of this further planning process. Focused outreach will include, for example, the India Basin Maintenance Association, the Bayview Merchants’ Association, and the Third Street Business Collaborative.

Since this Project revision would result in retention of the existing land use controls in the IBIP Redevelopment Plan Area, the environmental effects of this revision are encompassed within the range of environmental impacts considered in the Draft EIR. The environmental analysis for the Project assumed residential uses in this area, and the No Project Alternative

assumed retention of the industrial zoning in the area in the IBIP Redevelopment Plan area along Third Street. In sum, the Draft EIR considered a range of impacts that included a rezoning to residential as well as retention of industrial uses in this area. Consequently, this Project revision would not result in new impacts beyond those described in the Draft EIR.

Comments

Comment: The zoning proposed in this Draft EIR is based on a rezoning study process that has not been completed. The last action with regard to this initiative was the presentation to the Planning Commission in March of 2003 (see the 3/3/03 Planning Commission Presentation – “Community Planning in the Eastern Neighborhoods”).

- a. Question: What is the schedule for completing this process?
- b. Question: Why is this Draft EIR based on an incomplete rezoning process?

(Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC, and for 400 Paul Wave Exchange, LLC)

Response

Chapter II, Project Description, discusses the relationship of the proposed Redevelopment Plan Amendments and rezoning analyzed in the Draft EIR, and the separate Eastern Neighborhoods Rezoning process. The use of “Rezoning Option C: High Housing Option” presented in the *Community Planning in the Eastern Neighborhoods: Rezoning Workbook* for purposes of the Draft EIR analysis is presented on p. II-2:

“The Agency and the Bayview Hunters Point Project Area Committee (PAC), working collaboratively with the Planning Department in its Eastern Community planning process, determined that “Rezoning Option C: High Housing Option” as described in the Workbook, created a development potential that is most similar to the overall amount of redevelopment supported by the policies and objectives of the Project. For this reason, this document considers Rezoning Option C as the Project for environmental review purposes. Land use and zoning controls associated with the Project would be considered as amendments to the San Francisco Planning Code by the Planning Commission and San Francisco Board of Supervisors at a later date.”

The Draft EIR further describes the Eastern Neighborhood Rezoning process and redevelopment planning and the identification of Option C as an appropriate scenario for the

Draft EIR on pp. II-21 to II-22. As noted on p. II-31, the EIR is not intended to serve as the CEQA document for the entire Eastern Neighborhoods Rezoning process:

“The proposed rezoning of the Bayview Hunters Point area is part of a larger citywide policy discussion. This EIR analyzes the potential growth impacts of implementing the land use controls identified as Rezoning Option C of the Planning Department’s Eastern Neighborhood’s community planning process. The alternatives analysis also considers the impacts of establishing Rezoning Option B as the basis for rezoning. It is possible that the final rezoning proposal would fall within the growth projections of both of these zoning options and, thus, this EIR essentially brackets the range of these two zoning possibilities. The changes to the Planning Code for other areas of the City outside the Project Area under consideration for rezoning as part of the Eastern Neighborhood community planning process would be analyzed in a separate CEQA document.”

Public review of the Bayview Hunters Point Redevelopment Plan Amendments and rezoning, as addressed in the Draft EIR pp. II-21 to II-22, is therefore separate and independent of the on-going Eastern Neighborhoods Rezoning process. The Eastern Neighborhoods Rezoning Draft EIR is in preparation, and is expected to be released for public review in 2006.

Comment

I object to the many statements of purpose in this document that claim that the purpose of this Project is to enhance the quality of life and business of residents who already live here, if superfluous housing for the affluent is eliminating needed housing for very low and low income people.

Past history of “development” in San Francisco give low and very low income residents abundant reasons to worry that this “high housing” Redevelopment Plan will occur with no concurrent development of the human capital of local residents and will disperse the community. With no present time investment in the human capital laying dormant and undeveloped in low income families they will end up with no tangible equity stake in the work of Redevelopment. In this case people will be no better off than if no development occurs, and in fact they may be even worse off because of the influx of many affluent “entitled” citizens. The low and very low income families and youth will experience even greater alienation from the neighborhood which in many cases has been their home for generations. S.F. Redevelopment holds an enormous amount of power and control of nearly unlimited funding capacity for new buildings, yet neglects the urgent and actual present time employment, skill development and social needs of current residents.

One can only conclude that the real and unstated purpose of this Project is to create a bedroom community for the affluent while making weak efforts to prevent dislocation of present residents. (*Kevyn Lutton*)

Response

This comment does not address the adequacy of the Draft EIR; rather, this comment pertains to Project approval. The following information is provided by the Agency for the benefit of the public and decision makers.

The Project objectives as listed in the Draft EIR Project Description, Section II.D, pp. II-9 to II-11, include the provision of “affordable housing for existing very low-, low and moderate-income households and residents of the community.”

The Employment, Housing and Population section of the Draft EIR, Section III.C, pp. III.C-22 to III.C-24, describes the projected need for affordable housing in Bayview Hunters Point and for San Francisco as a whole. As shown in Table III.C-15 (p. III.C-23), with regards to households anticipated as a result of the Project, 56 percent of those households which are expected to seek housing in San Francisco would need very low-, low- and moderate- income housing. This need would generate a housing demand that would range from 1,347 to 4,414 new housing units. The overall housing demand would range from 2,393 to 7,737 new housing units.

Appropriately, a major program in the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment is the affordable housing program that sets forth an aggressive public program for the production of affordable housing units. The assumption is that the private market will construct market rate units for persons and households of above-moderate income. The Agency, through the affordable housing program, will seek to build as many affordable housing units as feasible. Although the Draft EIR includes an estimate that a total of 3,700 new housing units would be constructed by year 2025, the Draft EIR does not assign the units to particular income categories. In implementing the Project, the Agency will seek to facilitate the construction of as many affordable housing units as possible. It is expected that the Agency will exceed the 20 percent allocation of tax increment to affordable housing programs required by the state Community Redevelopment Law (CRL). The Redevelopment Plan Amendment proposes to dedicate 50 percent of the remaining tax increment to affordable

housing programs, after statutory pass-throughs to taxing entities, in accordance with the Agency's Housing Policy.

Please also refer to the Socioeconomics and Environmental Justice section of this document on pp. C&R-68 to C&R-83.

Hunters Point Shoreline Activity Node

Comment

What I would like to see happen is that this EIR should be versatile enough that it could include some private industry doing some development on whatever side that is, I guess the north side of Innes Avenue on the bay side. If you look at the housing projects up there, they're talking about 700 or 800 people. Did you know that I was in a meeting about a month ago where they was talking about the housing project from World War II left over up there? There's only 750, 800 hundred families in all the vacant space up there on that hill. I don't know if you have ever rode out Innes Avenue and looked up there, but I do think the EIR leaves too much to be desired the way it is and I think we need to be able to let private industry come in there as well. Thank you kindly. (*Charlie Walker*)

Response

The proposed Redevelopment Plan Amendments do not propose specific projects for development but propose general land uses and development concepts that are the result of years of community planning processes. The documents that form the primary basis for the future land uses assumed for the Plan are the *Bayview Hunters Point Community Revitalization Concept Plan (Concept Plan)* and the *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Workbook)*. The Redevelopment Plan Amendments would accommodate a number of individual development proposals, both public and private. Agency and City staffs anticipate that a number of private developers would pursue development proposals near Innes Avenue and elsewhere in the Redevelopment Plan Areas.

Comment

A. The Project Description Is Inadequate Because It Substantially Understates the Anticipated Level of Development of the HP Shoreline Node.

An EIR must contain an accurate, stable and finite project description. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185,193 (“*County of Inyo*”).) “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an

accurate view of the project may affected outsiders and decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance." (Id. at pp. 192-193.)

"CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.' [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (Concerns Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association (1986) 42 Cal.3d 929, 936.)

Further, project descriptions, and related impact assessments, should account for reasonably foreseeable consequences of proposed projects. In Laurel Heights Improvement Association of San Francisco. Inc. v. Regents of the University of California (1988) 47 Cal.3d 376 ("Laurel Heights I"), the California Supreme Court articulated a two-prong test to determine when such future consequences should be assessed as part of an EIR. The subject EIR was deficient for failing to address the impacts of a reasonably foreseeable future expansion of the proposed project. Under the court's two-prong test, "an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (Id. at 396.)

Page II-10 of the Draft EIR describes the Hunter Points Shoreline Node and the existing and proposed zoning in this area. Pages II-24 and 25 include tables specifying the expected net new floor area and dwelling units under the overall Redevelopment Project, and within each individual "Node". According to Tables II-1 and II-2, the development in the HP Shoreline Node through 2025 would amount to 380,000 square feet of commercial uses and 700 new dwelling units.

The figures in the tables grossly understate the reasonably anticipated growth in the HP Shoreline Node, thus the Project description is erroneous and inadequate with respect to at least this Node. Understating the new development in this area also renders invalid and inaccurate the impact analyses based on these figures, including such subjects as transportation and air quality.

We understand that the levels of anticipated residential and commercial growth were based on forecasting by City staff that attempted to allocate the City's overall expected growth among different sectors of the City. These anticipated levels, however, grossly understate the development potential of our client's property, which includes 15+ acres of dry land and represents the largest undeveloped site in the HP Shoreline Node. Even under existing zoning rules, this one site has substantially more development potential than what the Draft EIR describes for the whole HP Shoreline Node. Under the Planning Code, our client's site has a maximum FAR of 5:1, which would permit over 2.5 million square feet of development.

Moreover, with a conditional use/planned unit development, our client's site legally could be developed with up to about 1,100 residential units, plus substantial commercial uses. Both figures would be substantially larger than the Draft EIR description of the anticipated development of the entire HP Shoreline Node. Moreover, there are other sites in the HP Shoreline Node that could provide substantial additional development. For example, the Housing Authority property is likely to be rebuilt with a substantial net increase in housing under the Mayor's recently announced public-private partnership concept. Thus, the Draft EIR's Project Description substantially understates the reasonably anticipated level of development in the HP Shoreline Node area. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Comment

In addition, the HP Shoreline Node includes our client's proposed project, which includes up to 1,600 dwelling units and over 210,000 square feet of retail and other commercial space. This project concept would require an amendment of the Planning Code to allow increased density and height. The Agency staff were aware of our client's plans for the site for several months prior to the publication of the Draft EIR and, therefore, had ample opportunity to incorporate this additional level of development into the overall Project description. However, staff inexplicably chose to ignore this information.

We understand that City staff may have decided to ignore the implications of our client's Project because of a concern that inclusion of this information might have delayed publication of the Draft EIR. Such a concern about schedule does not provide a basis for ignoring the requirements of CEQA. In any event, we believe this information could have been included with little or no delay if the City had decided to do so. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Comment

The EIR's project description is inadequate because it substantially understates the development that's likely to occur in this Hunters Point shoreline area, particularly with regard to the number of new residential units. The draft EIR states that there will be only 700 new units in this area through 2025. However, even under existing zoning, my client's property alone could provide 1,100 new units. The shoreline road also includes substantial housing authority property that is likely to be rebuilt to provide hundreds of additional units. Thus, the project description for the shoreline road at a minimum should be revised to reflect at least 1,500 new units, not 700.

Moreover, our client has submitted an environmental review application with the city for a project of about 1,600 units, plus 150,000 square feet of retail. The project application is significant new information that must be reflected in the EIR. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Comment

III. The Draft EIR Must Be Recirculated After the Above Deficiencies are Remedied

If, subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds "significant new information" to an EIR, the agency must issue new notice and must "recirculate" the revised EIR, or portions thereof,¹ for additional commentary and consultation. (Pub. Resources Code § 21092.1; CEQA Guidelines § 15088.5; Laurel Heights Improvement Association of San Francisco. Inc. v. Regents of the University of California (1993) 6 Cal.4th 1112 ("Laurel Heights II").) The revised environmental document must be subjected to the same "critical evaluation that occurs in the Draft stage," so that the public is not denied "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions draws therefrom." (Sutter Sensible Planning. Inc. v. Board of Supervisors (1981) 122 Cal.App.3d 813, 822 ("Sutter Sensible Planning").)

The test for determining when recirculation is required is the following:

[T]he addition of new information to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a *substantial* adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement... [R]ecirculation is not required where the new information added to the EIR "merely clarifies or amplifies ... or makes insignificant modifications in... an adequate EIR." (Laurel Heights II 6 Cal.4th at 1129-1130 (emphasis in original); see also CEQA Guidelines § 15088.5(a).)

As noted above, the Draft EIR substantially understates the reasonably anticipated level of development anticipated for the HP Shoreline Node, even under existing land use rules. It is also deficient in its discussion of mitigation measures for significant impacts. Information on all these issues must be added to EIR. The addition of such significant information necessitates that the document be recirculated.

All of the above deficiencies are independent of the fact that our client has submitted an environmental evaluation for a project that would result in a somewhat greater level of development than would be expected in the HP Shoreline Node under existing land use rules. Under CEQA, information of this additional level of development should be addressed either as a change of the redevelopment project or at least in the EIR's cumulative impact analysis. The inclusion of this additional information on cumulative impacts is a second, separate and independent basis for requiring that the Draft EIR be recirculated.

¹ Where an agency determines that recirculation is necessary, it can satisfy its obligation by reissuing only the revised part of parts of the EIR, rather than a whole new document. (See CEQA Guidelines § 15088.5(c).)

In addition, the minimal discussions regarding cumulative impacts in the Draft EIR are so inadequate and conclusory in nature as to render public comment on these discussions essentially meaningless.

IV. Conclusion

Based upon the above, it is evident that the Draft EIR fails to meet both the purpose of and standards set forth by the California Environmental Quality Act. The Agency and Planning Department should rectify these deficiencies riddling the Draft EIR and recirculate a revised Draft EIR. Addressing a more realistic level of development in the HP Shoreline Node, including our client's site, will not only help the EIR meet the minimum requirements of CEQA, but will result in more complete and sophisticated long-term planning for this area. (Steve Atkinson, Steefel, Levitt & Weiss)

Response

The Draft EIR considers land use changes and projected growth with Project conditions, and for cumulative conditions, consistent with CEQA requirements. The Draft EIR projected the amount of new development that would result from the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment by considering the proposed rezoning as part of the BVHP Redevelopment Plan Amendment, along with future population and employment forecasts for San Francisco and the region, as prepared by the Planning Department and the Association of Bay Area Governments (ABAG). The Draft EIR analysis assumes the zoning proposed in the *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Workbook)* published by the San Francisco Planning Department in February 2003. The Eastern Neighborhoods Rezoning project proposed three rezoning alternatives for the BVHP area. The Draft EIR examined the effects of the alternative that would create the most change from existing conditions. In addition, the Draft EIR evaluated two alternatives, the No Project Alternative and the Zoning Option B Alternative (the moderate housing option) from the *Workbook*. The BVHP Redevelopment Plan Amendment is an urban infill project and, in the Planning Department's experience, urban rezoning projects of this nature do not result in the maximum development that the rezoning will allow on every undeveloped or underdeveloped lot. The anticipated nature and amount of development assumed in the Draft EIR takes into account the proposed rezoning; the amount of development that would be expected to occur based on land available in the area for infill development; projected employment growth; and projected housing demand in San Francisco. The growth and housing projections used in the

Draft EIR to evaluate Project and cumulative level are: employment, housing and population; transportation; and public services and utilities, as appropriate.²

Furthermore, the comments assert that the Draft EIR must include additional analysis to take into account the East India Basin, LLC (EIB) project and then be recirculated. The EIB project sponsor submitted a request for environmental evaluation to the Planning Department on October 20, 2004, for a plan that would include 1,600 dwelling units and 210,000 square feet of commercial space. That application described proposed heights of 650 feet for three towers. In December 2004, the EIB project sponsor submitted an alternative configuration with a similar program, with building heights that would range from 60 to 190 feet (Planning Department Case No. 2004.1095E.). As of February 2006, the EIB project sponsor has not submitted a project application that the City could review, and approve or disapprove. The overall proposal for the EIB site therefore appears highly conceptual.

The EIB environmental evaluation application acknowledges that the EIB project as proposed would not comply with the Planning Code and would require code amendments to permit increased density and higher height limits for the site. The EIB project would also require amendments to the *General Plan*. Draft EIR Chapter II, Project Description, p. II-6, notes that the South Bayshore Area Plan is the San Francisco *General Plan* element that defines land use goals for southeastern San Francisco, including the BVHP area. South Bayshore Plan Figure 3, Generalized Land Use and Density Plan designates the Hunters Point Shoreline area northerly of Innes Avenue as Light Industrial, with Parks and Open Space along the shoreline itself. Policy 1.6 and Figure 7 of the South Bayshore Element of the *General Plan* address the Innes Shoreline area and make specific references to the subject parcels as a "proposed industrial park" and "proposed open space."

The Planning Code zoning districts in the EIB vicinity are shown in Draft EIR Section III.B, Land Use and Zoning, Figure III.B-2, Existing Zoning Designations, p. III.B-7. Consistent with the *General Plan* designations, the area is currently zoned M-1 (light industrial) and NC-

² A summary of the cumulative growth forecasts methodology, and other land use projections methodology used in the Draft EIR analyses is found in Bayview Hunters Point Redevelopment Projects and Rezoning Land Use Forecast Methodology, December 2005. This document is on file and available for public review at the Planning Department, 1660 Mission Street, 5th Floor.

2 (small scale neighborhood commercial); these zones allow industrial, commercial and residential uses. Furthermore, a policy adopted by the Planning Commission by Resolution 16202, "Establishing Policies and Procedures for Development Proposals in Industrial Zoning District" (August 9, 2001), designates the area as an "Industrial Protection Zone" district. This policy direction for the area is to "discourage the new development of or conversion of existing uses to office, housing, and/or live work." The rationale for this policy is the need to preserve space for a wide range of light industrial activities in San Francisco, which are vital to the local economy, by restricting competition from new housing and office development in the City's industrially zoned lands.

The Planning Code height districts in the Hunters Point Shoreline area are either a 40-foot maximum, or open space, as shown in Draft EIR Figure III.B-3, Existing Height Districts, p. III.B-8. Development with the types of heights proposed for the EIB project would be inconsistent with two *General Plan* policies and the South Bayshore Area Plan. The first *General Plan* policy calls for lower buildings along the City's waterfront to retain public views to the bay and ocean. The second *General Plan* policy states that the height of structures should accent the City's natural topography – i.e., taller structures are discouraged in the valleys and at the bases of hills. The South Bayshore Area Plan emphasizes improving public visual and physical access to the water. The site is on the waterfront at the foot of a hill. The EIB project as proposed would substantially exceed the existing height limit of 40 feet, and would be inconsistent with the *General Plan* policies calling for lower buildings in valleys, at the bases of hills and along the waterfront.

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Project proposed at this time would remove the Shoreline SUD area from the proposed BVHP Redevelopment Plan Area, for further planning. The removal of this area from the BVHP Redevelopment Plan Area would retain existing land use controls. Supervisor Maxwell is proposing interim controls that would retain the existing Planning Commission policy as reflected in Resolution 16202 during this planning process, as discussed in the Project Revisions.

The environmental effects of this revision are encompassed within the range of environmental impacts considered in the Draft EIR. The environmental analysis for the Project assumed a

mix of residential, commercial, and industrial development in the Hunters Point Shoreline Activity Node. The No Project Alternative, which assumed retention of the existing largely industrial zoning in the area, would result in greater numbers of management and information jobs, professional services, and Production, Distribution and Repair (PDR) jobs than the Project. It is not known at this time what the results of the community planning process will be and whether a different mix of uses from either of these assumptions will be recommended for the area. For purposes of the Project analysis, however, the retention of the existing largely industrial zoning for the area falls within the range of impacts included in the Draft EIR, which assumed the current, largely industrial zoning for purposes of the No Project Alternative, and a more intensive level of commercial and industrial development, along with a small amount of residential development with the Project.

While it is noted that development project applications in San Francisco can involve plan amendments, re-zoning, or height district changes, the entitlements required for the EIB project in its current conceptual form make its approval uncertain and speculative.

Therefore, for the reasons presented above, the East India Basin, LLC (EIB) proposal does not constitute a reasonably foreseeable and probable future project requiring further analysis as part of this EIR. The Draft EIR analysis encompasses a substantial level of future land use change in the Hunters Point Shoreline Activity Node. This growth provides a reasonable basis for overall cumulative analyses in the Draft EIR.

The planning process proposed for this area is expected to result in community consensus on the nature and intensity of development for the Shoreline SUD Node, including the EIB property. As stated in the Draft EIR, if large scale development were proposed for the Hunters Point Shoreline Activity Node area as a result of the community planning process, additional environmental analysis may be required under CEQA. However, the nature of this CEQA process is not known at this time.

LAND USE

Growth Projections

Comments

For myself, I'm always asking how do we get to these numbers, how do we get to those statistics, these figures in terms of traffic and things that go into that nature and the planner simply told me a lot of that goes into what we suggested and talked about over the years that it should go in these areas, what community planning has gone into saying I want to see this here, I want to see that there, and from those — from those meetings and from where we said we'd like to see in this neighborhood, we start to extrapolate, well, this is going to be more dense here, we're looking at retail here and things of that nature, and so to go now to — so now we're at the point to where this EIR — this is a much larger (inaudible). (*Angelo King*)

Response

The Draft EIR analyses were based on projected future population and employment forecasts prepared by the San Francisco Planning Department (Planning Department) and the Association of Bay Area Governments (ABAG). Both the Planning Department and ABAG regularly update the forecasts based on available information at the time of the forecast updates. Using the forecasts, the Planning Department, the San Francisco County Transportation Authority (SFCTA), and the EIR consultants completed transportation modeling using the SFCTA citywide transportation model and Metropolitan Transportation Commission (MTC) transportation modeling procedures.

The Project would direct future development into a number of economic development activity nodes. Agency and City staff have projected likely levels of future development (net new dwelling units, net new square footages of commercial and industrial businesses) in the various activity nodes by the year 2025, based on the community vision as articulated by the Project Area Committee (PAC) and the public in community meetings. The Draft EIR Project Description, Chapter II, pp. II-6 to II-11, summarizes the lengthy community planning process to identify various land use goals embodied in the proposed Project.

Bayview Industrial Triangle and India Basin Industrial Park

Comment

Thank you for your efforts on the Draft Environmental Impact Report (EIR) for the Bayview Hunters Point Redevelopment and Rezoning Project.

I write to ask for clarification on one aspect of the Draft EIR. As you know, the northern section, of Third Street in Bayview Hunters Point, between Islais Creek and Evans Avenue, is an important area of focus for the community, which desires it to be a vibrant and attractive "gateway" into the neighborhood. While there is unanimity on this vision, there remains good and healthy debate as to what land uses should be encouraged and permitted in this section of Third Street - specifically, if housing should be included as a permitted use.

Can you please clarify if the current Draft EIR would allow for the policy makers to select a land use scenario that does not permit housing in the section of Third Street between Islais Creek and Evans Avenue? (*Supervisor Sophie Maxwell*)

Response

Policy-makers may select a land use scenario for this portion of Third Street that does not permit housing; such a scenario would result in less land use change than assumed for the Project. As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations of the existing Redevelopment Plan in the 126-acre India Basin Industrial Park (IBIP) Redevelopment Plan area. Since publication of the Draft EIR, a number of community members, businesses, and City agencies, including the Port of San Francisco, have raised concerns that residential uses may not be appropriate in this area, particularly north of Evans Avenue on Third Street. In response, over the past several months, an interdepartmental City/Agency working group of representatives of the Mayor's Office of Economic and Workforce Development (MOEWD), District 10 Supervisor Maxwell, the Planning Department, the Port, and the Agency have decided to re-examine the land use policies for the portion of Northern Gateway Activity Node along both sides of Third Street north of Evans Avenue. This re-examination will involve a community planning process with the PAC and other Bayview Hunters Point stakeholders. The objective of this community planning process is to create a more focused and specific development strategy for the area to attract specific businesses that can spur economic growth for this planning sub-area. The Agency has therefore decided not to pursue the land use

changes proposed for the IBIP Redevelopment Plan Area as contemplated in the Draft EIR at this time. Instead, the Agency will work with the community to develop a consensus on a focused development strategy for this area and propose a redevelopment plan amendment, as necessary and appropriate to carry out this community strategy, after the completion of this future planning process.

Since this Project revision would result in retention of the existing land use controls in the IBIP Redevelopment Plan Area, the environmental effects of this revision are encompassed within the range of environmental impacts considered in the Draft EIR. The environmental analysis for the Project assumed residential uses in this area, and the No Project Alternative assumed retention of the industrial zoning in the area in the IBIP Redevelopment Plan Area along Third Street. In sum, the Draft EIR considered a range of impacts that included a Project land use change to residential as well as retention of industrial uses in this area. Consequently, this Project revision would not result in new impacts beyond those described in the Draft EIR. Therefore, this EIR would be adequate for consideration of plans for the IBIP that did not include residential uses.

Comment

The SFRA and the Draft EIR assume that the Amended Plans for the BIT and IBIP will complement the Final EIR for the BVHP Project Area. It is difficult to understand the basis for this assumption. The SFRA has largely been absent from the BIT since it was established in 1980. SFRA points out that "this Project Area has been largely dormant since the plan was adopted." (Draft EIR p. III.A-11) The SFRA had not, at the time of publishing the Draft EIR, proposed any amendments to the 1980 BIT Plan or held any public meetings regarding the future of the BIT. The Draft EIR falls [fails] to address what will happen should the Amended Plan for the BIT not conform to the SFRA's thoughts about the future of the BIT as set forth in Draft EIR. This issue is particularly pertinent as the October 21, 2004, Draft Amendment to the BIT Redevelopment Plan does not conform to all of the land use notions presented for the BIT in the Draft EIR. The Draft EIR fails to articulate any basis to decide between potentially competing ideas in the Draft EIR and an eventual amendment to the BIT Project Plan. (*Mark Klaiman*)

Response

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations in the Bayview Industrial Triangle (BIT)

Redevelopment Area, pending a further feasibility analysis of the proposed tax increment financing for the BIT Redevelopment Plan. This study of tax increment financing for the BIT would not entail any change in proposed land uses and would not be expected to result in physical changes to the environment. Therefore, this action is not expected to result in any environmental effects not considered in the Draft EIR.

Contrary to the commentor's statement, the Agency actively processes development applications from private developers and property owners in the BIT area. The statement in the Draft EIR that the BIT area is largely dormant was accurate. Agency-funded redevelopment activities have not occurred in the BIT area because there is currently no funding mechanism. The proposed tax increment financing study is intended to assess the feasibility of providing a source of revenue for redevelopment-sponsored activities in the BIT. Only in the last year did the Agency begin processing multiple development proposals.

As discussed on Draft EIR pp. II-13 and II-14, the only land use policy discussed in the BIT amendment is the buffer zone consisting of light Production, Distribution, and Repair (PDR) between Fairfax and Jerrold Avenues, and between Phelps and Third Streets (excluding the Third Street frontage parcels).

Comment

The Draft EIR articulates the desire to allow mixed-use development and housing on the entire length of Third Street while establishing buffers between these uses and incompatible Core PDR uses located off of Third Street. The Draft EIR provides that "[n]ew residential development would be encouraged in appropriate locations along Third Street to take advantage of the transit-oriented development opportunities by the new Third Street LRT." (Draft EIR page 11-13) The Draft EIR fails to define "appropriate locations" and how to avoid conflicts between land usages. The Draft EIR fails to adequately consider that blocks adjacent to Third Street are not uniform. The lack of uniformity is particularly apparent in the BIT. *(Mark Klaiman)*

Comment

The Draft EIR makes a gesture to the potential conflict in the BIT where it states that "[specifically, in the BIT Area, light PDR zoning (buffer district) would be established between Fairfax and Jerrold Avenues, and between Phelps and Third Streets (excluding the Third Street frontage parcels) The industrial zoned areas would be converted to PDR zoning, which allows Core PDR land uses." (Draft EIR Page 11-14) The Draft EIR fails to address

that within certain portions of the BIT there is no non-PDR property to use to establish the buffer zone. The Draft EIR would allow Core PDR activity near the Southeast Water Treatment Control Plant (Plant) and housing on Third Street (Draft EIR page III.B-18). The Draft EIR neglects to discuss that in certain areas within the BIT there is only 1 block (2 parcels of land) between the Facility and Third Street. To place a Core PDR facility next to the Plant and a residential unit on Third Street means there is no buffer between a Core PDR and a residential user. The Draft EIR would increase rather than decrease the tension between PDR and residential users. *(Mark Klaiman)*

Comment

The Draft EIR also fails to address that certain Third Street frontage property within the BIT is currently zoned industrial. Because the SFRA does not have the funds needed to relocate businesses within the BIT, these businesses would continue to exist as new residential units are constructed immediately adjacent to these businesses. Moreover, because there are only 5 years remaining on the BIT Project Area, it is unclear if the SFRA will ever have sufficient funds to relocate PDR businesses. Implementation of the Draft EIR's plans for Third Street would again create, rather than reduce, tensions between land users. *(Mark Klaiman)*

Comment

The Draft EIR fails to create buffers throughout the Survey Area. The Draft EIR treats all of Third Street as if it is acceptable for residential use without addressing the lack of parcels with which to establish buffers in the Northern Gateway. The SFRA should take the steps necessary to address the differences within the Bayview rather than treating the entire Third Street corridor as acceptable to residential development. *(Mark Klaiman)*

Response

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations in the Bayview Industrial Triangle (BIT) Redevelopment Area, and to make no change in the existing land use designations or the existing Redevelopment Plan in the 126-acre India Basin Industrial Park (IBIP) Redevelopment Plan area. Therefore, development under the Project would not include new residential zoning along the Third Street frontage of the BIT or IBIP. (Note that residential uses can be approved under existing land use controls, as a Conditional Use in M-1 and M-2 zoning districts.) With the proposed Project, residential and other mixed uses would be permitted on other portions of Third Street. The land use compatibility effects of such changes are discussed in the Draft EIR, in Section III.B, Land Use and Zoning, pp. III.B16 to III.B-19, under "Third Street Corridor."

Oakinba Activity Node

Comment

We are writing to express our concerns regarding the building of a new Home Depot store as well as the new considerations regarding rezoning Bayshore Boulevard.

We purchased our home in the Bernal Heights area of San Francisco in October of 2002 because we enjoy the small but strong community feeling of our neighborhood. We enjoy supporting the small, locally owned businesses on Cortland and Mission Streets and feel very fortunate to have the opportunity to live in this neighborhood.

The issue of redeveloping Bayshore Boulevard is very important to us because our home sits directly across the freeway from this street. Although we would support the redevelopment of Bayshore Boulevard, we would only support a plan that would not jeopardize small businesses, traffic, our health, or the welfare of working class families in San Francisco. We know that some people support opening a Home Depot because it means increased tax revenue and jobs. However, we strongly believe that the long term consequences of large, impersonal corporations can be devastating to small businesses, neighborhoods, and our community.

Thank you for taking the time to read this letter and we hope that you will consider our concerns when making future planning decisions. *(Courtney Tong & Scott Tsunehara)*

Comment

I am very concerned about your considering rezoning Bayshore Boulevard to allow Big Box stores to open there. I am very firmly opposed to it.

I have been living in Bernal Heights since 1985 and on Cortland Avenue since 1992. In that time, I have seen Cortland Avenue transformed from a street without a shopping district to a very busy street with many different kinds of small businesses. It has been a welcome change creating more jobs and income for the City. It has also created more traffic. There is frequently a small traffic jam when you get to the shopping district

If you have Big Box stores on Bayshore, the traffic will be unmanageable. Cortland is a narrow 2 lane street that already is not in good repair. It was never meant to carry the kind of traffic that it will if even one Big Box store such as Home Depot opens. And while Cesar Chavez and Alemany will carry some of the traffic, Cortland will also.

If we have to have Big Box stores, then a better choice would be Third Street or Cesar Chavez near Bayview Hunters Point. However, I do question whether San Francisco needs Big Box stores at all. Big Box stores do not create well paying jobs with good benefits. They put out of business small stores such as Cole Hardware which says they will close if Home Depot opens. Many times these small stores offer just as good prices with better service and better wages and benefits to their employees but shoppers don't always price compare if Big Box stores move in. Big Box stores frequently stock merchandise made in China worsening the job situation in the United States and worsening the trade deficit. And as studies have shown,

WalMart employees cannot make it on their wages (even in cities less expensive than San Francisco) and require government subsidies to survive.

I firmly believe Big Box stores have no place in San Francisco and even more strongly believe that having them on Bayshore would be a disaster for Bernal Heights. *(Sally Abrams)*

Comment

I am writing to express my deep concern about the proposed rezoning of Bayshore Blvd. to allow for multiple Big Box stores. Throughout SF, California and the nation communities have fought against these huge retailers because they destroy neighborhoods and don't bring the revenue and good jobs that might justify them.

Please oppose this misguided proposal to rezone Bayshore. *(Mary Kathryn Morelli)*

Comment

As a long time Bernal Heights resident, it has come to my attention that the San Francisco Planning Commission, on December 2, will be considering a re-zoning of the former Goodman's Lumber Site (on Bayshore Blvd. and Cortland Ave.) in San Francisco to Large Commercial.

I am strongly in support of such a re-zoning. The reasons I support this re-zoning is because the property exists in a industrial neighborhood. If the property is redeveloped with such a large commercial user such as home Depot, Orchard Supply, or a Loews it would stay consistent with the character of the neighborhood. The project site has formerly housed a home repair center. Such a use would generate a great amount of employment opportunities for residents in the area as well as generate a large amount of sales tax to the City and County of San Francisco.

Thus, I urge the Planning Commission to re-zone the property to Large Commercial. *(Bruce Balshone)*

Comment

Small family owned businesses would almost certainly be devastated. While the temptation to bring in such large businesses would appear to be economically beneficial to the City in the form of sales tax and job opportunities, please consider that the loss of money flowing out of SF to the headquarters of such businesses and the low, sub-par wages paid by such corporations more than offsets such benefits.

Comment

Lastly and most importantly, San Francisco has always stood out as a "different" city whose vital character depends on small communities and small businesses - not generic, big box, cookie cutter multinational conglomerations. We need to preserve our City's character! Putting

in a Big Box Alley center in San Francisco would be devastating to everything that brings us together and makes us one of the truly great City's of the World. (*Aryeh Frankfurter*)

Comments

I am writing to express my concern about a proposed plan to rezone Bayshore Boulevard to Large Commercial zoning. This change would be devastating for the Bernal and Mission neighborhoods with regards to environmental impact (traffic, air and noise pollution). In addition, small businesses along the Bayshore/Industrial corridor would be greatly harmed.

There has got to be a better, more neighborhood friendly approach to developing this part of San Francisco. Big Box stores are not the solution.

I ask the San Francisco Agency to vote no on this proposed plan to rezone the Bayshore/Industrial corridor to Large Commercial. (*Alyson E. Jacks and Wendy Miller*)

Comment

While the Draft EIR of the Bayview Hunters Point Redevelopment Project may have many good proposals for the area east of Bayshore Blvd., I am very concerned about the possibility of rezoning Bayshore Blvd., from Industrial St. to Cesar Chavez St., to Large Commercial. The negative environmental impacts of such a rezone to the Bayview Hunters Point area would be relatively unnoticeable. But at the same time, those negative impacts to the Bernal Heights neighborhood would be devastating.

Goodman's Lumber was located at the foot of Cortland St. for many years and its environmental impacts were negligible to Bernal Heights. A Home Depot or any other "Big Box" retailer located on that stretch of Bayshore Blvd. would introduce traffic gridlock, pollution, and threaten small businesses throughout the adjacent areas. And, such a rezone would create the possibility of there being more than one huge retailer located on that portion of Bayshore Blvd. The negative impacts would then become exponential.

I can appreciate San Francisco's need for additional tax revenue from new sources. However, that need should not override good planning. The negative environmental impacts that would be created by the rezone of Bayshore Blvd. should be given a huge amount of weight during your deliberative process. (*William Davidson*)

Comment

Do we need Home Depot and other larger commercial establishments in our neighborhood? We say a resounding "No!"

Bernal Heights is near a freeway and residents could easily get to a Home Depot and other similar stores within 10-15 minutes. We are therefore very concerned about efforts to rezone the Bayshore Boulevard corridor as a designated area for "big box" stores. Imagine the traffic and congestion that will result from this plan, a superfluous addition of businesses that our residents do not really need.

Comment

Please consider the priorities of the Bernal Heights community in your deliberations about the proposal. Our quality of life is not determined by the number of “big box” stores within walking distance, but rather by our ability to enjoy our neighborhood without pollution, traffic and congestion. Please help us preserve the safety and peace in our neighborhood by voting down the proposal. (*Milagros A. De Guzman and Marlene Marin*)

Comment

I am very concerned to hear of the efforts to rezone the Bayshore Boulevard corridor as a designated area for “big box” stores. Despite this area’s industrial nature, it is surrounded by a large residential area that will be negatively impacted by this proposal. We have already had a strong reaction against bringing in the Home Depot store.

The traffic impact on the neighborhood, alone, would be devastating to our community. (*Kim Harmon*)

Comment

Please accept my disapproval of re-zoning Bayshore Boulevard to “Large Commercial.” The proposal will dramatically and negatively affect the neighborhood and San Francisco.

Large commercial stores are not appropriate for San Francisco, especially in a neighborhood characterized by single-family dwellings and small businesses. Such large commercial stores are better placed in so-called suburbs or ex-urbs where land is plentiful and expansive parking available, but not within the city limits of San Francisco where space is at a premium or within a neighborhood of single-family dwellings. (Large commercial warehouse-sized stores, such as Target, Home Depot and Toys-R-Us, already exist a ten minute drive away.)

Comment

Traffic-jams of trucks and cars and the resulting pollution will hurt the community.

People sometimes assume large commercial zoning will provide jobs, but the answer to the issue of providing jobs is not to build a store but to provide education. Corporate stores owe a fiduciary obligation to their stockholders, not to the surrounding residents, neighborhoods or community. Consequently, large corporate stores hire employees at the lowest possible cost with as few health and other benefits as possible. Corporate or large commercial stores have no obligation to employ from the neighborhood. (*Edward G. Myrtle*)

Comment

I want to state my opposition to the plans of the Agency to turn Bayshore Boulevard into a “big box alley” for the benefit of several large corporations and to the detriment of the Bernal Heights neighborhood which will bear the brunt of the impact of increased traffic, pollution, and other negative effects.

I know that the City wants more tax revenue, but this a poor way to achieve this end. The effect of these big box businesses is homogenization of general culture and the driving down of wages of the working class residents of the surrounding neighborhoods. I don't think this is what we want here in San Francisco. Let it go to the suburbs if they want it, but not here. *(Peter Leaf)*

Comment

Think neighborhood businesses going out of business because of the unfair competition of big businesses. Think businesses that do not allow unions, do not provide adequately for their workers, and ultimately, do not serve the community. Is this good planning?

I believe the Board of Supervisors passed legislation to block the largest big box stores (120,000 square feet). It was bad enough that Home Depot was apparently excluded from this legislation even though it is nearly double this square footage. Please take Bernal Heights residents into consideration as you continue this planning process. I would appreciate updates on this matter. Thank you. *(Lynne M. Eggers)*

Comment

Also, we would like to preserve the retail relationships we currently have. I am Gabriel Proo and I am the Vice President on the Board of Directors for a childcare center. Companies like Cole Hardware, Floorcraft Garden Center and The Good Life Grocery have been long time supporters in our fundraising efforts. These are very good community oriented businesses that would be severely impacted by big box retailers or the traffic it generates. *(Gabriel Proo & Max Kirkeberg)*

Comment

With this letter, the Bernal Heights Neighborhood Center is submitting written comments on the Bayview Hunters Point Redevelopment Project Draft EIR, Planning Department Case Number 1996.546E.

First, we would like to emphasize that we applaud the years of hard work that our neighbors and planners in Bay view/Hunters Point have put into developing this plan for revitalizing this section of San Francisco. We understand the sense of urgency that the plans' sponsors have in moving this forward in a timely manner. And we have no interest in trying to derail this project, or stand in the way of progress for this deserving region of the city.

We do, however, have some comments on a small component of the plan, because it directly affects Bernal residents in a significant way. We are concerned about the proposal to rezone Bayshore Boulevard into the new zoning category "PDR/Large Commercial," and the effort to encourage the development of Big Box retail in that area.

The way the City draws the map of our neighborhoods, Bayshore Blvd. is in the Bayview district. Yet it's right at the foot of Bernal Heights, and is one of only a few access roads that we can use to get in and out of our hilly neighborhood. Bayshore only a stone's throw from

hundreds of Bernal residents, but probably over a mile from almost any Bayview residents (separated by the industrial district). So whatever happens on Bayshore Blvd. concerns us deeply because it affects us significantly. (*Viola Morris and Barbara Kyle, Bernal Heights Neighborhood Center*)

Comment

The Project proposes that Bayshore be rezoned for Large Commercial use. While on the face, this may seem no different than the current zoning status, the Project goes farther, by actually encouraging big box development. The Eastern Neighborhoods study, which explains these zoning designations, explains that this would require assembling large parcels of land:

“Large retail activities, including some “Big Box” operations, need sizable parcels of land to store and sell a wide range of merchandise. They also require a large amount of open space to provide parking for their customers who are looking to buy big and heavy items, such as computers or televisions. Examples of larger retail users are Target, Walmart, Home Depot, Office Max, Barnes and Noble, and Costco.” (Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook, February 2003 Page 29.)

The current property ownership map of this area reveals that there are very few parcels which are big enough to support big box commercial uses. (The Goodmans/Whole Earth Access parcels are the exception to this.) This means that in developing big box use, a developer would need to assemble many small parcels, most of which currently are less than 20,000 square feet, and used by smaller, locally owned businesses with PDR uses.

So in developing these parcels for big box commercial, there would certainly be some job loss and loss of local business. Since job goals are set in this plan, it seems that this DEIR should also evaluate the potential job loss (particularly PDR jobs) and business loss that would result from big box development.

Comment

I disagree. We were talking about looking at this EIR, as far as I can remember, around two years, and from my understanding—Home Depot has its own EIR, and so in terms of debating the merits of Home Depot and its impact on that area, we can debate that separately in that EIR which, as I remember, there was a lot of people contesting the size of the store which, in my opinion, the commissioners looked at it and as a result (inaudible) as Home Depot makes some changes to the EIR. (*Angelo King*)

Comment

This PDR commercial is allowing a whole different scale of commercial development to come in. It's the kind of large, huge, square development you see on the outskirts of cities, sprawled developments. I just don't feel it's appropriate in this particular edge of the neighborhood. (*Nicky Griffin*)

Comment

We make our own decisions, and the community have made a decision that they want the Home Depot for economic reasons, and that's the main thing I want to say. Thank you very much. (*Elias Walker*)

Response

The Draft EIR includes rezoning alternatives for the Bayview Hunter Point (BVHP) area that correspond with the range of options presented in the Planning Department's Eastern Neighborhoods Rezoning project. Under the Project, the current M-1 and M-2 light industry and heavy industry designations would be replaced by a set of Production, Distribution, and Repair (PDR) districts, described below. As discussed on Draft EIR p. III.B-26, Core PDR would not permit large retail use. Other PDR designations would permit retail use, including PDR/Large Commercial, proposed in the Oakinba Activity Node. The Core PDR district land use controls would be more restrictive than the existing M-1 and M-2 designations regarding large retail uses.

The M-1 and M-2 zoning designations permit any size of retail, subject only to the City Planning Department's discretionary review procedure, and this is the zoning that applies to the Home Depot project, mentioned by several commentors. In 2004, the Board of Supervisors adopted Planning Code Section 121.6, which applies to projects for which site permit applications were filed with the City after July 15, 2003 (and, therefore, does not apply to the Home Depot project). Planning Code Section 121.6 requires a conditional use permit for any single retail use in excess of 50,000 gross square feet, regardless of zoning district, and except in the C-3 (downtown) zoning districts, and prohibits any single retail use in excess of 120,000 gross square feet.

The PDR/Large Commercial zoning classification proposed by the Project, which would apply along a portion of Bayshore Boulevard, where the Home Depot project is proposed, would further restrict large retail projects in this area by requiring a conditional use permit for any single retail use over 40,000 square feet, while retaining the 120,000 gross square feet limitation per Planning Code Section 121.6.

The PDR designations are intended to facilitate the retention of production, distribution, and repair businesses in San Francisco, and to accommodate non-PDR land uses, including commercial uses, in appropriate locations and intensities. Given the Bayshore corridor's location to other places in the City and its accessibility from highways and major arterials, the Planning Department has determined that a mix of commercial and industrial activities, similar to the area's current pattern, would be appropriate for the corridor.

Any future proposal for a retail operation would need to conform to any other applicable requirements of the Planning Code, the *General Plan*, and the BVHP Redevelopment Plan.

With regards to concerns for existing uses, the proposed rezoning would not in and of itself displace existing land uses. As described above, the proposed rezoning would serve to further control the potential introduction of retail uses in the City, and would be more strict than current M-1 and M-2 zoning. Accordingly, specific findings would be required to meet Planning Code Section 101, the *General Plan* and the BVHP Redevelopment Plan, including findings regarding the proposal's potential effects on existing businesses in the area. Following are a few of the relevant Project objectives, as listed in the Project Description Section, pp. II-10 and II-11, of the Draft EIR, for which findings would be needed:

- Strengthening the economic base of the Project and the community by strengthening retail and other commercial functions within the Project through the facilitation of new retail space, and as appropriate, new commercial and light industrial uses.
- Encouraging participation of area residents in the economic development that will occur.
- Supporting locally owned small businesses and local entrepreneurship.

The zoning by itself would not determine the specific mix of businesses in the BVHP Redevelopment Plan Area, as the proposed BVHP Redevelopment Plan Amendment calls for the Agency to create development programs for coordinated economic development and investment in the various activity nodes, including the Bayshore corridor area. The BVHP Redevelopment Plan identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba Activity Node, and calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the proposed BVHP Redevelopment Plan, the

Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights in creating the Oakinba development program. The development program, expected to be in the range of land uses analyzed in the EIR, will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics when evaluating any specific development proposals. Specific development proposals in the Project Area may also require project-specific environmental review under CEQA.

Comment

Instead, how about proposing affordable housing that could alleviate the housing shortage in San Francisco and small businesses that have been found to boost a country's economy. *(Milagros A. De Guzman and Marlene Marin)*

Comment

The City, and our community, would much more benefit from the development of this area for affordable housing and smaller commercial ventures. *(Kim Harmon)*

Comment

Please - I urge you to not rezone this area and to consider countless other socially, economically and environmentally friendlier alternatives. *(Aryeh Frankfurter)*

Comment

We would be glad to see smaller commercial spaces along this corridor. They would enhance our community, both districts and the city.

Let's move past this belief that big boxes add to anyone's community. San Francisco is too small to tolerate such development. Let's see consideration of small commercial spaces or even housing units. *(Eugenie Marek)*

Comment

A more feasible answer to the issue of San Franciscans needing jobs is to provide education. Better uses include a school where students could earn degrees or licenses in electrical engineering, plumbing, or carpentry, for example. Or, the space could be dedicated to youth services, such as a club-house with a park and playing fields to provide a real alternative to unstructured free time. Or the space could be used as a senior center or a combination of education, youth and senior services.

Land development with a goal and effect of benefitting the community takes time and effort. Please develop the land to benefit the community instead of profiting stockholders of large commercial stores. Thank you for your attention. (Edward G. Myrtle)

Response

The proposed Redevelopment Plan Amendments are based on the *Bayview Hunters Point Community Revitalization Concept Plan (Concept Plan)*, which was completed and adopted by the Bayview Hunters Point (BVHP) Project Area Committee (PAC) in November 2000, after years of community meetings and workshops. Since the completion of the *Concept Plan*, the Agency and the PAC have focused on the proposed Redevelopment Plan Amendments.

The proposed BVHP Hunters Point Redevelopment Plan Amendment includes seven activity nodes, which are distinct planning subareas, each with a particular economic development focus, based on the *Concept Plan*. The activity node subareas are:

- Northern Gateway Activity Node, centered on Third Street between Islais Creek and Jerrold Avenue, is seen as a residential neighborhood with retail and service commercial businesses.
- Town Center Activity Node is identified as a core commercial, cultural and entertainment area, primarily on Third Street between Jerrold Avenue and Williams - Van Dyke Avenue. This area includes the Town Center Block, which would have consolidated community-serving uses including arts and culture, education, and childcare.
- Health Center Activity Node adjacent to the Third Street light rail line, between Williams Van Dyke Avenue and Fitzgerald Avenue, provides opportunities for housing, medical offices, clinics, and related medical services facilities to serve the entire BVHP community.
- South Basin Activity Node is projected as an area of transit-oriented development adjacent to Third Street, with land beyond Third Street towards Bayshore Boulevard to the west and towards South Basin and Yosemite Slough to the east preserved for industrial uses.
- Oakinba Activity Node centered in the area bounded by Oakdale Avenue, Industrial Way and Bayshore Boulevard, is uniquely positioned to accommodate larger-scale, city-serving commercial businesses.
- Hunters Point Shoreline Activity Node, centered on Evans Avenue - Hunters Point Boulevard - Innes Avenue between Jennings Street and the Hunters Point Shipyard, is seen as an area of new and renovated housing along the hillside south of Innes Avenue, and a mixed-use neighborhood with a maritime focus on bayfront land north of Innes

Avenue, consisting of small industrial businesses, some neighborhood-serving retail and commercial services and a few residential units.

- Candlestick Point Activity Node, for the Candlestick Point Special Use District area, will accommodate the San Francisco 49ers stadium and mall, as approved by San Francisco voters in June 1997.

Separate from the PAC and the Agency, the Planning Department has been working on its Eastern Neighborhoods rezoning project since 2001. The Department has conducted a number of community workshops on the rezoning project and has proposed several rezoning alternatives, including the Agency preferred alternative that is included in the Draft EIR Project Description and a less-housing alternative that is included in the Alternatives Section of the document (Section VI).

For further information regarding regional retail uses in the Oakinba Activity Node, Production, Distribution, and Repair (PDR) land use designations, and the Project's potential effects on existing businesses in the area please refer to the Response on pp. C&R-47 to C&R-49, above.

With regards to affordable housing, a major program of the Bayview Hunters Point Redevelopment Plan is the affordable housing program in which the Agency will endeavor to develop housing projects that are 100 percent affordable to help meet the demand in the community for housing units affordable to very low-, low- and moderate-income residents. Currently, the Agency is assisting two non-profit housing developers on two 100-percent affordable projects. Under the proposed Redevelopment Plan Amendments, Agency-sponsored affordable housing would be affordable at household income levels which are 15 to 20 percent lower than the Citywide area median income to address the concentration of lower income households in the BVHP area.

A driving force behind the affordable housing program is the projected need for such housing in Bayview Hunters Point and for San Francisco as a whole. This need is described in the Employment, Housing and Population section of the Draft EIR, Section III.C. As shown in Table III.C-15, the projected need for very low-, low- and moderate-income housing is 56 percent of the total housing need. This need would generate a housing demand that would

range from 1,347 to 4,414 new housing units. The overall housing demand would range from 2,393 to 7,737 new housing units.

The Agency assumes that the private market will construct market rate units for persons and households of above-moderate income. Although the Draft EIR includes an estimate that a total of 3,700 new housing units would be constructed by year 2025, in addition to about 1,718 units in the Base Case without the Project (as shown in Table III.C-9), the environmental document does not assign the units to be in particular income categories. In implementing the Redevelopment Plan, the Agency will seek to facilitate the construction of as many affordable housing units as possible. The Agency expects to meet or exceed the affordability requirements specified for redevelopment plan areas in the state Community Redevelopment Law.

The Agency foresees that the new housing units would be constructed in infill locations where the residential uses would be buffered from existing core PDR uses by light PDR and commercial uses.

Comment

My focus is only on the "PDR/Large Scale Commercial" sub-area of the Oakinba Activity Node of the plan area. I do not challenge the sufficiency of the document for the remainder of the proposed area and project.

Use of this document unclear re PDR/Large Scale Commercial sub-area of Oakinba

The proposal for the PDR/Large Scale Commercial area involves a substantial change in that area to large-scale retail, i.e. big box facilities. There is already one proposed at Bayshore and Cortland, a large Home Depot at the site of the former Goodman's and the former Whole Earth Access. The Draft EIR for Home Depot was heard several months ago, and the Final EIR is currently being prepared. That DEIR showed that the impacts of a SINGLE large commercial (big box) facility would have severe impacts on both the Bayshore Corridor and adjacent Bernal Heights neighborhood.

On page I-1, this DEIR is said to be the basis for subsequent environmental documentation for DEVELOPMENT PROPOSALS. Is it not also the EIR for the change in the zoning controls for the Bayshore Corridor (the PDR/Large Scale Commercial sub-area of Oakinaba shown as on the map at III-B-20)? If it is, that DEIR is grossly insufficient because even the DEIR for Home Depot sets out much more information and finds significant adverse transportation impacts for a SINGLE such large retail structure. And the map on III-B-20 shows a proposed

Large Commercial area from Cesar Chavez to Industrial, on both sides of the street AND a further block to the east of Bayshore for the southern portion of that area.

There needs to be a cumulative analysis of the proposed change in designation – and in focus – to large scale retail along Bayshore. The pattern of that development visible in the Bay Area, and throughout the country, is that where one locates, other follows. Indeed that is the expectation of the person who owns the land for the Home Depot site.

Is that this document? When will it occur? The statement on III-2 (“shall be treated as a program EIR with no subsequent EIRs for individual components of the redevelopment plan”) is not reassuring. Project specific environmental review – which could possibly lead (under Redevelopment law) to a determination that no further environmental review of a PROJECT is needed. It is the CUMULATIVE ANALYSIS that must be done before an entire area can be set out as THE area of San Francisco where large scale retail is allowed. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

It should be noted that the proposed Redevelopment Plan Amendments are at the program level of specificity. This EIR is a program EIR and project EIR as described in the first paragraph on p. III-1:

Project-related environmental impacts are presented as “Program Effects” and “Project Effects.” Program Effects are the environmental impacts that could result from amendment and adoption of the redevelopment plans; implementation of the three major community redevelopment programs, including the Economic Development Program, the Affordable Housing Program, and the Community Enhancements Program; and rezoning in the Project Area consistent with “Rezoning Option C: High Housing Option” as reflected in the Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook (Workbook). “Project Effects” are the environmental impacts that could result from development and construction of the Bayview Connections Urban Open Space Project.

Redevelopment of the Bayview Hunters Point area would consist of new construction on appropriate, available vacant and underutilized sites, while existing structures would be rehabilitated if feasible. Any specific development proposals would be reviewed in accordance with CEQA requirements to determine the appropriate level of additional environmental review, taking into account the Program EIR for the proposed Project. As such, the Draft EIR correctly identifies potential environmental effects that would likely result from redevelopment program activities and includes mitigation measures to either preclude the adverse effect or reduce it to a less-than-significant level.

The proposed Bayview Hunters Point (BVHP) Redevelopment Plan identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba Activity Node. The proposed BVHP Redevelopment Plan Amendment calls for the Agency to create a development program for all of, or portions of, an activity node. Pursuant to the proposed Redevelopment Plan Amendment, the Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights, in creating the Oakinba development program. The development program will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics when evaluating specific development proposal. As stated above, any specific development proposal would be reviewed in accordance with CEQA requirements to determine the appropriate level of additional environmental review, taking into account the Program EIR for the proposed BVHP Redevelopment Plan Amendment.

For further information regarding retail uses in the Oakinba Activity Node, Production, Distribution, and Repair (PDR) land use designations, and the Project's potential effects on existing businesses in the area please refer to the Response on pp. C&R-47 to C&R-49, above.

With regard to what was considered under the cumulative analysis, please refer to the Response to Comments in the Cumulative Analysis Section, pp. C&R-139 to C&R-143.

Comment

The red parcels along Bayshore [on Figure III-B-1] could be construed as HUGE commercial operations. The large one on the east of Bayshore is a McDonalds and the parking lots it owns. It is JUST a McDonalds. The size of the "red" is somewhat misleading. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The commentor is referring to the map of "Generalized Existing Land Uses," Figure III.B-1 of the Draft EIR. The red area on the east side of Bayshore not only includes the McDonald's restaurant and its parking area, but also the adjoining commercial building to the south of McDonald's and the adjoining parking area.

Comment

Please note that on no maps is CORTLAND Street labeled. That is extremely misleading since Cortland, and the intersection of Cortland and Bayshore are the SOLE eastern entrance to Bernal Heights. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The commentor is correct in noting that Cortland Avenue is not labeled. Generally, the maps in the Draft EIR label only the major city arterial streets within Bayview Hunters Point. For informational purposes, Figures III.B-1, III.B-2, III.B-3, III.B-4, and VI-I, pp. C&R-12 to C&R-18 herein, are revised to label Cortland Avenue, an east-west street that intersects Bayshore Boulevard in the Oakimba Activity Node area.

Comment

What is "large scale"? Is it facilities over 40,000 sq ft? How many of these uses ARE along Bayshore? What is the standard for "dominate?" The perception of many others is that the uses are quite mixed, with fast food and locally-owned building improvement businesses predominating. (*Sue C. Hestor, Attorney for Cole Hardware*)

Comment

Similarly on III-B-18. Justify the statement "large scale retail and PDR uses would be allowed along Bayshore Blvd which would PERMIT A CONTINUATION OF SIMILAR LARGE-SCALE, FREEWAY ORIENTED REGIONAL COMMERCIAL USES WHICH PRESENTLY EXIST IN THIS AREA." This is challenged because the uses CURRENTLY there are NOT generally large-scale operations. Again, you are referred to the Home Depot DEIR which analyzes the addition of ONE large-scale retail and finds that it has significantly different impacts than current operations on Bayshore. The traffic problems for a REGIONAL retail facility are much different from existing operations.

This change of scale/use is set out on III-B-21. It is incorrect to claim that large scale retail (i.e. big box) "would not alter existing land uses in this area." See DEIR for Home Depot.

Again, this "no change" refrain is set out on III.B.25, first full paragraph. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The Bayshore Boulevard corridor between Cesar Chavez Street and Industrial Street/Alemaný Boulevard to the south currently includes a range of commercial uses, from restaurants and fast-food operations, to larger retail uses. The larger retail uses include home improvement

uses such as Floorcraft appliances, flooring, and nursery; Caldwell's Building Materials; Gilman Screens and Kitchens; Major Lines of California Cabinets; and Syn-Mar Cultured Marble, among others. These uses, however, are typically less than 40,000 square feet.

Comment

How much proposed retail on Bayshore?

The table on III.C-11 is helpful. I could not figure out how much of the projected 1.6 million square feet of retail is assumed to be built in the Bayshore corridor. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

As shown on Table II-1 of the Draft EIR, the Oakinba Activity Node subarea is projected to accommodate 100,000 square feet of retail and 100,000 square feet of Production, Distribution, and Repair (PDR) uses. The projected net new square footage forecasts for the Project were prepared by the Planning Department and Agency staff and are based on forecasts developed by the Association of Bay Area Governments (ABAG), the regional forecast agency and the Planning Department's ongoing study of land use supply and demand in the City, as well as its Eastern Neighborhoods Rezoning project.

For purposes of the Draft EIR analysis, particularly for transportation effects, future conditions in the Bayview Hunters Point (BVHP) area included a year 2025 Base Case, without the BVHP land use growth. The base included known projects under City review assumed to be in place in the future. In the Oakinba Activity Node, the 2025 Base Case included the Home Depot project as proposed, with 153,000 square feet of retail uses, as assumed and analyzed in the Home Depot EIR. The retail and PDR space growth analyzed in the Bayview Hunters Point Draft EIR in the Oakinba node is in addition to the Home Depot space. The Draft EIR therefore adequately accounts for cumulative growth of retail space in the Bayshore corridor.

The square footage projections are estimates of reasonably foreseeable net new commercial and PDR space in the Oakinba activity node, based on growth forecasts.

For further information regarding regional retail uses in the Oakinba Activity Node, PDR land use designations, and the Project's potential effects on existing businesses in the area please refer to the Response on pp. C&R-47 to C&R-49, above.

Comment

When you look at the map on page III.B-20 which is the zoning map, one of the things that the planning department has kind of forgotten and it probably needs to be acknowledged by someone is that we're creating an orphan M-1 zone that isn't going to be affected by anything.

The Cortland area between the freeway overpass and Cortland — pardon me — and Bayshore is zoned M-1, and it's the only M area in the city that will not be rezoned because they have just kind of left it out in any studies, and we would like to have that in, which leads to the questions that I want to follow up on. (*Sue C. Hestor*)

Response

The comment refers to an area west of US 101 and the Project area fronting on Cortland Avenue that includes several parcels zoned M-1. Those parcels are outside the BVHP Redevelopment Plan Area, and outside the Planning Department's Eastern Neighborhood Rezoning area. Zoning or land use changes west of US 101 are not under consideration and are not evaluated in this EIR.

Comment

Why does this EIR consistently omit any reference whatsoever to the adjacent Bernal Heights neighborhood? It DOES exist and is bounded by Bayshore. It needs ACCESS and the proposed changes on Bayshore threaten that access. Why is it not relevant to this DEIR? (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The Bernal Heights neighborhood is to the west of the Bayview Hunters Point (BVHP) Redevelopment Plan Area, and is generally bounded by US 101 to the east, Cesar Chavez Street to the north, Mission Street to the west, and Alemany Boulevard to the south. Bernal Heights is primarily a residential neighborhood, with retail on Cortland Avenue and Mission Street. Cesar Chavez Street and Cortland Avenue are the main roadways between Bernal Heights and the BVHP area.

To clarify the Draft EIR, the following text has been added after the first sentence on Draft EIR p. III.B-5, in the Land Use and Zoning Section:

“The Bernal Heights neighborhood is to the west of Bayshore Boulevard and U.S. 101. This primarily residential neighborhood includes a commercial corridor on Cortland Avenue west of U.S 101. Cortland Avenue provides direct access from Bernal Heights to Bayshore Boulevard.”

The Draft EIR includes rezoning alternatives for the BVHP area that correspond with the range of options presented in the Planning Department’s Eastern Neighborhoods Rezoning project. Under the Project, the current M-1 and M-2 light industry and heavy industry designations would be replaced by a set of Production, Distribution, and Repair (PDR) districts.

For further information regarding regional retail uses in the Oakinba Activity Node, PDR land use designations, and the Project’s potential effects on existing businesses in the area please refer to the Response on pp. C&R-47 to C&R-49, above.

Please see also the Response on pp. C&R-119 and C&R-120, concerning analysis of the Cortland Avenue/Bayshore Boulevard intersection.

Comment

In looking at the land use and zoning areas and the discussions on page 3B and 4, I think it would be helpful to acknowledge that there is adjacent Bernal Heights to the west, and there is adjacent Portrero Hill to the north rather than just freeways as boundaries because that’s not exactly accurate. (*Sue C. Hestor*)

Response

The following text is added as a new third paragraph on Draft EIR p. II.B-1:

“Neighborhoods near Bayview Hunters Point include Potrero Hill and the Central Waterfront to the north of Islais Creek and Cesar Chavez Street; Bernal Heights and the Portola District to the west of U.S. 101; and Visitacion Valley and Executive Park to the south.”

Health Center Activity Node

Comment

1. We request the following be corrected: On Page III.B-4 (similar on III.B-17 to 18 and III.E-14) the following statement occurs: *"The Health Center Activity Node is also characterized by large underutilized industrial parcels, such as the former Coca-Cola and Macy's properties on Third Street at the Southern end of the node"*. The former "Macy's" property is 200 Paul Avenue. This property is in the "South Basin Activity Node" and it was completely renovated in 1999. The property is currently 84% leased to long term telecommunication and internet datacenter tenants. This facility, owned by a subsidiary Digital Realty Trust, is the largest voice and data network gateway in the San Francisco Bay Area region. Please revise ALL references in the report to the "Macy's property" to reflect the fact that this property is in active use with 115 operational telecommunication and internet datacenter enterprise customers. Stan Muraoka of the SFRA is familiar with the 200 Paul site and has toured this operating facility. (Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC)

Response

Comment noted. References to the Macy's property have been deleted from the Health Center Activity Node discussion.

The last two sentences of the first full paragraph on Draft EIR p. III.B-4 has been revised to read:

"The Health Center Activity Node is also characterized by large and underutilized industrial parcels, such as the former Coca Cola and ~~Macy's~~ properties on Third Street at the southern end of the node. These ~~property is~~ ies are currently proposed for multi-family residential housing development."

The last partial sentence on Draft EIR p. III.B-17 and first partial sentence on p. III.B-18 have been revised:

"Existing industrial uses that could be replaced by residential mixed-use include auto repair and parts businesses, leather refinishing, moving and storage companies, and existing vacant industrial buildings such as the Coca Cola Plant and ~~Macy's~~ warehouses that are is currently proposed for multi-family, mixed-use residential projects."

The second paragraph on Draft EIR p. III.E-14 has been revised:

“A prominent element on the west side of Third Street includes the structure of the currently vacant Coca-Cola bottling plant at Carroll Avenue and the former Macy’s warehouse.”

Comments

4. Comment: The proposed PDR uses, especially the Core PDR use, are too vague and severely limit the development potential of many of the large parcels in the proposed project area. If the proposed allowable PDR uses are too restrictive, then the SFRA will have the unintended result of severely retarding economic development within the project area. *(Steve Kundich, AIA)*

Comments

6. Question: Can a table be provided comparing the proposed allowable PDR uses to the former M-1 & M-2 uses? *(Steve Kundich, AIA, 400 Paul Wave Exchange, LLC, Digital Realty Trust, LLC)*

Comment

2. Comment: Our property is currently zoned “M-1”. It is proposed that the zoning will be changed to “Core PDR”. This zoning designation is severely restrictive and is not flexible enough to address the range of possible development scenarios that could best serve the local neighborhood as well as the entire city. Additionally, none of the existing uses surrounding the site are an appropriate uses that can coexist with the proposed Core PDR zoning designation. The rezoning alternates discuss the concept of PDR buffer uses between Core PDR and other uses. Buffer uses are not currently present and are not anticipated in the proposed rezoning. This large-seven acre site should be zoned to allow for a range of possible uses. It is our opinion that the existing M-1 zoning is a more appropriate zoning designation for this site. We request that the EIR consider the possibility of the various uses associated with the current M-1 zoning at the 320, 350 (Block 5341A / Lot 15) & 400 Paul Avenue (Block 5431A / Lots 014) sites. Specifically, retail/commercial and residential uses should continue to be allowed as permitted and conditional uses respectively. *(Steve Kundich, AIA, Director of Design & Construction, 400 Paul Wave Exchange, LLC)*

Response

Draft EIR Section II.B, Land Use and Zoning, pp. III.B-10 to III.B-13, and pp. III.B-15 to III.B-22 describe of Production, Distribution, and Repair (PDR) land uses, both as the characteristics of existing land uses, and potential changes in PDR designations that would result from the Project. Table III.B-1, p. III.B-12 outlines PDR characteristics. The sites on the north side of Paul Avenue west of the Caltrain right-of-way noted in the comments are

currently identified as Core PDR zoning on Figure III.B-4, Proposed Zoning Designations. and the Draft EIR analysis assumed future development in those areas to be PDR uses. The comments concerning alternative designations for the Paul Avenue sites are noted, and could be considered by decision makers in deliberations on the overall Project. The alternative mixed-use, M-1-type uses suggested in the comment would be within the range of land uses considered in the Draft EIR, since the Draft EIR evaluated the No Project alternative on pp. VI-3 to VI-11, which assumes existing zoning. No further analysis of the potential M-1 uses is required.

PDR uses presented in Table III.B-1 are not directly analogous to existing M-1 and M-2 zoning districts. The Planning Department has not yet formulated specific PDR controls with regard to setbacks, parking, or floor area ratios. As part of review and adoption of PDR and other controls as part of the Eastern Neighborhoods Rezoning process, the Planning Department would also prepare specific controls regarding setbacks and other design requirements, floor area ratios, and parking requirements to be implemented as amendments to the Planning Code.

Comment

6. Question: If a site is zoned "Core PDR" – would the proposed zoning code revisions also allow for "Light PDR" or "Medium PDR" allowable uses on a Core PDR site with out Discretionary Review or Conditional Use approval? (*Steve Kundich, AIA, Director of Design & Construction, 400 Paul Wave Exchange, LLC*)

Comment

7. Question: Can a table be provided showing the general zoning requirements for the PDR zones, set backs, parking ratios, FAR, etc? (*Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC*)

Comment

8. Comment: If a site is zoned "Core PDR" – would the proposed zoning code revisions also allow for "Light PDR" or "Medium PDR" allowable uses on a Core PDR site with out Discretionary Review or Conditional Use approval? (*Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC*)

Comment

7. Question: Page III.B-19 it states that the “Core PDR zoning designation will not permit residential uses”. Will it still be possible for a property owner to apply for a Conditional Use approval to change the zoning of a Core PDR site to residential use, large retail use or mixed use? (Steve Kundich, AIA, Director of Design & Construction, 400 Paul Wave Exchange, LLC)

Response

This EIR reviews the environmental effects of the overall land use controls under consideration as part of the Redevelopment Plan Amendments.

Materials produced to date by the Planning Department outlining types of “Production, Distribution, and Repair (PDR) uses” should not be interpreted as a fully exhaustive list of allowable uses, but are meant to be illustrative of allowed uses by presenting a representative list of activities, as meant by the term “production, distribution, and repair.” A wide range of industrial activities, home and business services, and small scale commercial uses will still be allowed in PDR zones. The primary distinction between the land use controls in the current industrial districts, outlined in Article 2 of the Planning Code, and the future PDR districts is that housing and large commercial operations will be restrained in deference to light industrial uses. A series of Department studies, including a recent citywide analysis on the supply and demand for PDR space in San Francisco, indicate that the demand for light industrial space will remain strong in the City for the next 25 years.

A Core PDR zoning designation would prohibit residential uses. Conditional Use permits for residential uses would not be permitted. The Draft EIR includes rezoning alternatives for the Bayview Hunters Point area that correspond with the range of options presented in the Planning Department’s *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Workbook)*. With regards to review and approval concerning “Light PDR” and “Medium PDR,” a detailed zoning proposal, when circulated for public review, separate from the Project, will contain specific additional design standards, beyond the land use controls regarding height maximums identified in the *Workbook*, and specific land use controls.

Candlestick Point Activity Node

Comment

At pages 11-18 and VI-16, the Draft EIR erroneously indicates that in the Candlestick Point Activity node, a small area is zoned for Heavy Industrial.

Rather, as noted at pages III.B-7, III.F-3 and VI-15, this area is currently zoned light industrial (M-1) with the Candlestick Point Special Use District Overlay.

This inaccuracy should be corrected. (*Kathryn R. Devincenzi*)

Response

The commentor is correct. Draft EIR pp. II-18 and VI-16 have been revised.

The second paragraph of Draft EIR p. II-18 is revised as follows:

“Candlestick Park and the Candlestick Point Recreational Area are primarily zoned for public uses, with a small area zoned for Heavy Light Industrial. While this zoning would remain, except for the conversion of Heavy Industrial zoning to Core PDR zoning, the project approved by San Francisco voters in 1997 amended the *General Plan* and Zoning Map to allow the uses and height limits noted above for the Stadium and the mall.”

The first partial paragraph of Draft EIR p. VI-16 is revised as follows:

“ . . . public uses with a small area within this activity node undergoing a conversion of Heavy Light Industrial to Core PDR. With Alternative B, Proposition F would still apply. This ballot initiative established the Candlestick Point Special Use District for the construction of the new Stadium Development Retail/Entertainment Center.”

This change does not affect the analysis or conclusions presented in the EIR.

Northern Gateway Activity Node

Comment

Mission Creek and Islais Creek are our City's two natural creeks. Both were abused and ignored for generations. The development plan for Mission Bay recognized the importance of Mission Creek as an open space and public access amenity. Promenades will be built on both sides along with housing will to allow people to enjoy the creek full time.

With new development plans for the Bayview District we have the opportunity to breathe life into Islais Creek. Islais Creek is the northern gateway to the Bayview so its importance is both

physical and symbolic. At present people entering the Bayview get the impression of a derelict waterway with warehouses when residents of the Bayview would prefer the image of a vibrant community where people live and work—and cherish their natural resources.

The Friends of Islais Creek has been working to improve Islais Creek and its environs for 16 years. We have cooperated with project developers, mostly public agencies so far, to direct mitigation funds to public access around the creek. But new projects have been slow to develop and there has been no economic incentive to upgrade existing facilities.

Without zoning incentives to attract more intensive uses the Islais Creek environs will degrade rather than improve. In recent years, we have been besieged by criminals who use the creek environs for the production and sale of drugs, as a resource for metals to sell (destroying public property that takes us months to afford to restore), and as safe haven from arrest warrants. Despite close cooperation with SFPD this has been discouraging to businesses and visitors alike.

For several years in a row we have presented master plan ideas to the Planning Commission for rezoning of the environs to allow a mix of residential and industrial uses. While individual commissioners have applauded our idea to establish CC&Rs that would prescribe compatibility between two distinct uses Planning staff have been adamant about “preserving industrial jobs”.

We not only want to preserve industrial jobs, but increase employment opportunities in the Bayview. Our master plan for rezoning proposes to increase industrial jobs in sectors that want to be located within San Francisco itself (and which build upon nearby existing resources!) while developing much needed and desirable housing. We would be pleased to share our ideas with you and have enclosed a copy of an early master plan for reference.

We recognize the complexity of developing an EIR and zoning plan for such a diverse district so we are not opposed to the document in general. We urge SFRA and the Planning Department to consider alternative zoning for the Islais Creek environs and hope that this could be established in an amendment. (*Robin Chiang*)

Comment

San Francisco Beautiful (SFB) is a long-standing civic improvement organization whose mission is to create, enhance and protect the unique beauty and livability of San Francisco. SFB submits the following comments pertaining to the Draft Environmental Impact Report (DEIR) for Bayview/Hunters Point Redevelopment Projects and Zoning Plan. We hope to see these comments incorporated into the final plan for this area.

San Francisco Beautiful is gravely concerned that the DEIR designates land adjacent to Islais Creek to be zoned for industrial uses. Land use options -specifically residential zoning along Islais Creek- are not sufficiently evaluated. The Friends of Islais Creek produced three master plan diagrams that explore housing along Islais Creek: “Islais Creek Environs Master Plan,” 1998, 2000 and 2001. These documents should be considered seriously and the potential for housing along Islais Creek discussed as a viable option in the DEIR.

Community volunteers have worked for over a decade to turn Islais Creek, once a toxic and dangerous dumping ground, into a beautiful recreational waterway used by rowers and local residents. Housing at the creek would elevate the area towards becoming a livable and safe community. Zoning this area Industrial undermines the long efforts of the Friends of Islais Creek to restore the site, and may return the Creek to the condition it was in before these dedicated volunteers took an interest in improving it.

SFB urges you to reconsider the proposed zoning at Islais Creek, consider the documents that discuss residential development, and zone for residential development along this emerging waterway. (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

Response

As discussed in the Project Description, pp. II-6 to II-9, the Draft EIR analyses proposed Redevelopment Plan Amendments and rezoning developed by the Agency, with substantial involvement by the Planning Department and a community planning process. The process identified land use designation and potential zoning changes to implement mixed uses in many areas of Bayview, as well as maintain a Production, Distribution, and Repair (PDR) base.

The Department has held a number of community workshops and has conducted outreach for the Project to property and business owners and residents of Bayview Hunters Point. Separately, the Agency has held community workshops, specifically on the proposed amendments to the existing Hunters Point (HP) Redevelopment Plan. The proposed Redevelopment Plan Amendments and zoning proposals reflect the results of the community planning process. The Islais Creek area includes lands in City, Agency, and Port of San Francisco jurisdiction. Current zoning is primarily industrial, and proposed zoning within the Project Area along Islais Creek would primarily be Core PDR. Mixed-use development is not under consideration at this time, although the proposed future land uses would not necessarily preclude provision of open space along the creek. Continued commercial or industrial activities in the area would also not preclude open space along Islais Creek, nor would they preclude appropriate water quality improvements or other Creek restoration efforts. Any development near Islais Creek would be subject to various local and state regulatory requirements for maintenance of water quality, as well as water quality mitigation measures adopted as part of the Port's 1997 Waterfront Land Use Plan. If decision makers were to

consider alternative land use proposals or land use controls around Islais Creek in the Project area, additional review would be required.

Such proposals would require analysis of the *General Plan* and Planning Code amendments, public review of the proposed *General Plan* and Planning Code amendments, and environmental review of the proposed changes.

Port of San Francisco

Comment

Plans, Policies and Land Use

The DEIR references the Port's Waterfront Land Use Plan (WLUP), but acknowledges only the Port's open space sites and policies. Within the Southern Waterfront, the primary policy focus of the WLUP is to support and enhance cargo shipping and maritime uses, including its supporting transportation and infrastructure systems. An excerpt of the WLUP addressing the Southern Waterfront is attached for your information.

In light of the close proximity of the Port's activities to the BVHP Plan area, the DEIR should include a description of these maritime and industrial policies. Similarly, the land use setting and impacts discussion should account for the presence of these nearby Port industrial and maritime operations. They include marine terminals at Piers 80, 92 and 94-96 handling break bulk, liquid and bulk cargoes; one operating concrete batch plant and another two under construction near Pier 92; two sand mining and one concrete recycling facility near Pier 92; a tallow rendering plant along Amador Street; and the City's primary recycling facility at Pier 96. In addition, the DEIR should acknowledge the freight rail tracks serving the area, extending from the peninsula mainline which extends through the BVHP project area. The DEIR separately acknowledges the Port's planning efforts to develop warehouse and distribution facilities in the Piers 90-94 Backlands. The discussion of the Port's policies and existing operations is important context for the Port's efforts to pursue the warehouse facility improvements.

The DEIR should address the land use and impacts that could be generated from the proposed rezoning and potential development of residential use at Third and Cargo within this industrial area.

Comment

The port's primary maritime and cargo operations at Pier 90 through 96 are located adjacent to the project area. These operations include importing and exporting cargo and related heavy industrial processing and manufacturing. The port's waterfront land use planned policy priority for the southern waterfront is to support and enhance cargo shipping and maritime uses and the ancillary supporting transportation infrastructure required.

While the Draft EIR cites the waterfront land use plan, it recognizes only the port's public access and open space objectives, but makes no mention of the main maritime purpose and location of the facilities within the southern waterfront.

Given the ongoing public debate about balancing the city's industrial and housing objectives, we believe it is especially important to acknowledge these facilities, including the supporting freight rail and transportation systems that extend through the Bayview Hunters Point project area. The Draft EIR separately acknowledges the port's planning efforts to develop warehouse and distribution facilities at Pier 90 through 94. That discussion would be improved with the addition of text explaining the existing maritime industrial facilities and port maritime land use policies, which provides context as to why the port is pursuing warehouse improvement.

Comment

Port tenants in the Pier 90 through 94 area have expressed concerns regarding the introduction of residential use adjacent to port maritime and industrial activities, particularly along Third Street at Cargo Way. Port tenant operations include freight rail cargo moving at various times throughout the day, including the late evening and early morning and early mornings and industrial traffic along Amdor Street and Cargo Way, generating vehicle and train emissions, noise and lighting impacts that are not compatible with the possible residential uses next door.

The Illinois Street Bridge will alleviate some future congestion at Third and Cargo Way, however, freight trains will continue through the intersection, as well as industrial truck traffic accessing port and nonport industrial businesses in that area. The Draft EIR includes a discussion of the land use policy debate now underway regarding that they hope the degree to which industrial areas should be rezoned to allow new housing development. The Draft EIR analysis should also address the potential physical effects and mitigation measures for new residential populations introduced into industrial areas. Thank you. *(David Beaupre, Senior Waterfront Planner)*

Response

The following text is added as new third full paragraph on Draft EIR p. III.B-3:

"The Northern Gateway Activity node is adjacent to Port of San Francisco lands east of Cargo Way and north of Islais Creek. Following an extensive public planning process, in 1997 the Port adopted the Waterfront Land Use Plan, defining how the Port will carry out its land use responsibilities under the public trust. The Southern Waterfront, one of five waterfront subareas identified in the Waterfront Plan, is designated for existing or future expansion of commercial shipping and other maritime businesses. The Waterfront Plan also identifies open space areas in the Southern Waterfront, and three development opportunity areas where mixed-use commercial and maritime development could occur. In addition, the Waterfront Plan allows non-maritime interim uses for land designated for future maritime expansion areas. In light of the above, the Port's primary objective is to maintain and expand cargo shipping and

maritime businesses at its existing terminals at Piers 80, 90-92, and 94-96 on the north and south sides of Islais Creek east of the existing Third Street Bridge. Several concrete-aggregate, asphalt, and materials-recovery operations have located in the Southern Waterfront along Cargo Way.”

The following text is added as a new first full paragraph on Draft EIR p. II.B-18, to discuss land use changes near the Port of San Francisco:

“Potential residential development in the Northern Gateway Activity Node with revised land use controls for the India Basin Industrial Park could be adjacent across Cargo Way to existing industrial and maritime activities on Port of San Francisco lands. Those port activities include truck and rail traffic, and on-going concrete-aggregate, asphalt, and materials-recovery operations. Future residents could experience noise, light, or air quality effects. Such environmental effects would be subject to existing regulatory controls, as well as mitigation measures required as part of future development.”

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations in the existing Redevelopment Plan for the 126-acre India Basin Industrial Park (IBIP) Redevelopment Plan area. Therefore, development under the Project as revised would not include residential uses along the Third Street or Cargo Way frontage of the IBIP. (However, residential uses can be approved under existing land use controls, as a Conditional Use in M-1 and M-2 zoning districts.)

Therefore, it is noted that the land use compatibility effects discussed in the Port of San Francisco comments regarding the Port’s concerns could result from residential development adjacent to Port lands would not be expected to occur.

SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Affordable Housing and Market Rate Housing

Comment

Housing Analysis and reconcentration of low-income housing

The Bayview Hunters Point neighborhood has admirably been working for many years to expand the availability of a wider range of income levels in its housing.

Because the City’s inclusionary housing requirement allows developers to eliminate all affordable units in their project and construct them in another neighborhood, there has been a

recent pattern of developers seeking to build 100% affordable projects in Bayview Hunters Point, so that they can have 100% high-end housing in THEIR project. This is particularly true for projects in Rincon Hill. If developers continue taking that option, what will be the effect on reconcentration and economic segregation of low-income persons in this neighborhood. Is it consistent with Redevelopment policies? (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The comment asserts that all recent housing development proposed in the Bayview Hunters Point (BVHP) area has been affordable housing related to inclusionary housing requirements for projects developed in other areas of San Francisco. While some recent projects have such an affordability component, other projects will have mixed income levels, such as the recently approved 5800 Third Street project, a mixed-use development with 355 multi-family units at both market rate and affordable levels.

A major program of the BVHP Redevelopment Plan is the affordable housing program in which the Agency will endeavor to build 100 percent affordable housing projects to meet the demand in the community for housing units affordable to very low-, low- and moderate-income residents. The BVHP community has been concerned about the potential loss of existing residents due to gentrification and the high cost of housing. Under the proposed Redevelopment Plan Amendments, Agency-sponsored affordable housing would be affordable at household income levels which are 15 to 20 percent lower than the citywide area median income to address the concentration of lower income households in the BVHP area. Currently, the Agency is assisting two non-profit housing developers on two 100-percent affordable projects, Bridge Housing at 5600 Third Street, and San Francisco Housing Development Corporation at 4800 Third Street.

A driving force behind the affordable housing program is the projected need for such housing in BVHP and for San Francisco as a whole. This need is described in the Employment, Housing, and Population section of the Draft EIR (Section III.C, pp. III.C-2 to III.C-24). As shown in Table III.C-15, with regards to Project-related housing demand, of the households expected to live in San Francisco, 56 percent of those households would require very low-, low- and moderate-income housing. This need would generate a housing demand that would

range from 1,347 to 4,414 new housing units. The overall housing demand would range from 2,393 to 7,737 new housing units.

The Agency assumes that the private market will construct market rate units for persons and households of above-moderate income. Although the Draft EIR includes an estimate that a total of 3,700 new housing units would be constructed by year 2025, the Draft EIR does not assign the units in particular income categories. In implementing the Redevelopment Plan, the Agency will seek to facilitate the construction of as many affordable housing units as possible. The Agency expects to meet or exceed the affordability requirements specified for redevelopment plan areas in the state Community Redevelopment Law.

Comment

The statements “The projected need for affordable housing may exceed that provided by the Project in the Project area” and “Further, the number of non-affordable housing units provided in the Project Area will exceed the demand for these units,” are found in the beginning Summary on pages S-7 and S-8. I could find no indication in the document of how many affordable units will be provided. In a phone conversation with Mr. Stanley Muraoka I learned that between 20% and 40% of housing could be affordable.

The Project description states that approximately 3,700 new dwelling units would be built by 2025 but is unclear how many will be non-affordable and in excess of demand. (*Kevyn Lutton*)

Response

The Employment, Housing and Population section of the Draft EIR (Section III.C, pp. III.C-2 to III.C-24) describes the projected need for affordable housing in Bayview Hunters Point (BVHP) and for San Francisco as a whole. As shown in Table III.C-15, the projected need for very low-, low- and moderate-income housing is 56 percent of the total housing need. This need would generate a housing demand that would range from 1,347 to 4,414 new housing units. The overall housing demand would range from 2,393 to 7,737 new housing units.

Appropriately, a major program in the BVHP Redevelopment Plan is the affordable housing program that sets forth an aggressive public program for the production of affordable housing units. The Agency assumes that the private market will construct market rate units for persons

and households of above-moderate income. The Agency, through the affordable housing program, would seek to build as many affordable housing units as feasible. The commentor is correct in noting that although the Draft EIR includes an estimate that a total of 3,700 new housing units would be constructed by year 2025, the Draft EIR does not assign the units in particular income categories. The Agency does not have exact numbers of affordable units to be produced because the BVHP Redevelopment Plan Amendment sets forth a housing program and does not include specific development projects. These projects will be developed after the adoption of the BVHP Redevelopment Plan Amendment, but would be guided by the BVHP Redevelopment Plan Amendment and its supplemental implementing documents. Regardless, the Agency expects to meet or exceed the affordability requirements specified for redevelopment plan areas in the state Community Redevelopment Law.

Comment

Resident neighbors in the five Housing Authority developments in the boundary of this Project Area, are suffering yet another intensification of anxiety regarding the looming displacement with which this Project threatens them, in spite of the rhetoric to the contrary. The increasing deterioration of resident living conditions as the Housing Authority slid into bankruptcy has been ignored by the City and District 10 Supervisor. A single example of this indifference is the blind eye that has been turned toward H.A.'s failure to replace broken missing washers and dryers from the wash houses in Hunters View. The winter with its rains is here and residents who have been washing clothes and bedding by hand and drying them on clotheslines are now facing even more difficulties in their isolated location and distance from commercial Laundromats.

It is irrational for the Agency to expect that public housing residents should trust them to make their acute housing and quality of life needs a priority. The Agency utilizes the magic term 'Blight' to justify their development plans. It mentions collaboration with the corrupt Housing Authority and suggests that Hope 6 funds are on the way. While this will assuage the guilt of other more secure residents, it is in no way credible to the people who live in these annexed Housing Authority projects. Hope 6 is more truthfully known as "Hopeless 6" and the bankruptcy of the Housing Authority puts the lie to any so called collaboration. To these residents the Agency looks like a type of shadow government, with enormous powers over the context of their lives and yet answerable to no one.

The Framework Housing Plan (page 17, Attachment 1) states as Housing rental Goal is 300 units for low income persons. This hardly seems adequate for replacement of Public Housing tenants never mind low income tenants who are not in Public Housing. (*Kevyn Lutton*)

Response

Regarding Project Area B, the area which is proposed to be added to the existing Hunters Point (HP) Redevelopment Plan Area through the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment, the Agency does not intend to acquire single family homes or multi-family dwellings. The Agency would be restricted in its use of eminent domain. Specifically, the Agency cannot use eminent domain on residentially zoned property ("R" zoning districts), and can only consider use of eminent domain on non-residentially zoned property if the property meets specific criteria listed in the BVHP Redevelopment Plan Amendment and after there has been public discussion in the BVHP community.

Regarding "blight," the blight survey is included in the Preliminary Report to the Board on the Draft BVHP Redevelopment Plan. The blight survey includes information on the existing physical condition of properties in the proposed Redevelopment Plan Areas, and focuses on particular indicators of physical and economic blight as called for in the state Community Redevelopment Law (CRL). Relevant blight factors in the BVHP area include seven of the nine CRL-defined categories of physical and economic blight:

- Buildings in which it is unsafe or unhealthy for persons to live or work.
- Factors that prevent or substantially hinder the economically viable use or capacity of buildings or lots, including earthquake hazards, poor soil conditions, accessibility issues, noise, and crime.
- Adjacent or nearby uses that are incompatible with each other; for example, residential uses that are not properly buffered from industrial uses.
- Depreciated values and impaired investments such as the presence of potentially hazardous and toxic materials, poor economic performance of retail businesses, and the inability of existing industrial space to meet current user demands.
- Economic indicators of distressed buildings or lots, including vacant and underutilized lots and buildings, and low industrial and retail lease rates.
- Residential overcrowding and problem businesses, including an excess of liquor stores and bars that had led to problems of public safety and contributed to crime.
- High crime rate.

The San Francisco Housing Authority (SFHA) projects are included in Project Area B on the basis of blight conditions prevalent on the properties; however, the SFHA will retain

jurisdiction over its properties. The SFHA will continue to administer its properties and pursue renovation of its units. Inclusion in the BVHP Redevelopment Plan facilitates the coordination of SFHA policies with those of the Agency and City.

The BVHP Redevelopment Plan authorizes the Agency to coordinate with the City and consolidate Agency and City affordable housing policies in a Framework Housing Program document. The draft Framework Housing Program is a work in progress and has not been formally considered by the Agency. The commentor's statement about a housing rental goal of 300 units is in reference to an early draft of the Framework Housing Program. Such numeric goals have been removed from the document because the document sets forth guidelines for the production of affordable housing units and catalogs existing and proposed housing assistance programs of the Agency and City, and does not list specific housing projects with tangible (i.e., countable) housing units. The Agency will consider adoption of the Framework Housing Program concurrent with or sometime after the adoption of the proposed Redevelopment Plan Amendments.

Comment

One of the other issues that I think that you need to discuss in this EIR in the context of affordable housing is are we re-segregating — going to re-segregate this community by dumping in more affordable housing as every affordable inclusionary project — every inclusionary housing project is dumped in here because no one wants to have them in their precious neighborhoods like Rincon Hill. (*Sue Hestor*)

Response

The proposed Bayview Hunters Point (BVHP) Redevelopment Plan Amendment provides for all types of housing, including affordable and market rate housing. The Agency policies are specifically designed for affordable housing as those are financially the most difficult to build. Significantly, the proposed plan calls for the retention of the existing mix of home ownership and rental housing, as well as the provision of new housing opportunities for the existing residents of BVHP. Historically, the residents of BVHP have average income levels that are significantly lower than other parts of the City and the residents have stated that the redevelopment program should facilitate the construction of housing at their income levels. To the extent that affordable housing is constructed in the BVHP area at the Bayview median

income levels rather than the City-wide median income levels, the housing provided will be affordable to Bayview residents.

Residential Displacement

Comment

Most information on the Agency's plans about Relocation and Replacement Housing is found in the REDEVELOPMENT PLAN FOR THE INDIA BASIN INDUSTRIAL PARK REDEVELOPMENT PROJECT, dated November 3, 2004. I had expected to find it in the DRAFT BAYVIEW HUNTERS POINT FRAMEWORK HOUSING PROGRAM dated March 15, 2004, but did not. In the former document (which I will refer to as Draft IBIP doc.) it appears that the Agency intends to follow the usual pattern used by the Housing Authority. This pattern of complete tear down and dispersal of a community while new housing is under construction, which the Agency states will be "within four (4) years of such destruction...", is needlessly oppressive.

This procedure is exactly what Low-income tenants in Public Housing are most anxious about. This complete tear down will guarantee that many tenants will not return to their former community. This is obvious today at the Valencia Garden site which has lain vacant with no sign of construction for nearly a year. This is a proven method of effectively forcing poor people out of the City. The same thing happened at Bernal Dwellings on Cesar Chavez Street. This type of dispersal always creates a crisis from which some people never recover. The personal disruption of the tenuous life of a poor person makes it all the more likely that many people find their quality of life deteriorating after dispersal. Those who do move away after being made a refugee in their own City discover that the chances of new opportunities for employment promised by the R.A's documents becomes even more out of reach.

The R.A. in good conscious should avoid causing such harm to citizens. This document states repeatedly that the purpose of Redevelopment projects is to "enhance and strengthen existing activities for the benefit of current residents." The Concept plan clearly states these laudable RA goals will be "achieved through small- and medium-scale redevelopment and renovation efforts and not through extensive land clearance followed by new construction." Therefore I object strongly to the method of redeveloping very low and low income households as described in the Draft IBIP doc. I am referring to paragraph 5.10.1, 5.10.2, and 4.10.3 pp 24 and 26. This procedure is exactly like that used by the Housing Authority and contradicts stated goals. The impact of such methods on community members is unacceptable. (*Kevyn Lutton*)

Response

This comment does not address the Project or the adequacy of the Draft EIR. The following information is provided by the Agency for the benefit of the public and decision makers.

The existing India Basin Industrial Park (IBIP) Redevelopment Plan included language on relocation because at the time it was originally adopted (in 1969), the intent was to transform a mainly underutilized industrial area with a few residences into a modern industrial park, and it was anticipated that there would be some relocation. Of significance is the fact that under state Community Redevelopment Law, the Agency has the power of eminent domain (i.e., the ability to acquire property through eminent domain), only for a twelve year period following plan adoption. Accordingly, the Agency does not have the ability to use eminent domain in the existing Hunters Point (HP), IBIP, or Bayview Industrial Triangle (BIT) Redevelopment Plan Areas, nor will it regain that ability in the proposed Redevelopment Plan Amendments.

Regarding Project Area B, the area which is proposed to be added to the existing HP Redevelopment Plan Area through the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment, the Agency does not intend to acquire single-family homes or multi-family dwellings. The Agency would be restricted in its use of eminent domain. Specifically, the Agency cannot use eminent domain on residentially zoned property ("R" zoning districts), and can only consider use of eminent domain on non-residentially zoned property if the property meets specific criteria listed in the Redevelopment Plan Amendment, and after there has been public discussion in the BVHP community.

Comment

Nowhere in the R.A. Bayview Hunters Point documents have I found a commitment to 1 to 1 replacement housing.

On this issue of renewal of housing, I would like to see in my community the only acceptable and humane proposal; which is to move households from units due to be destroyed directly into new housing reasonably near the old neighborhood, before destroying their homes. The other usual procedure has not been adequately discredited and rejected by RA and understood by the households in the 5 Public Housing projects in the Hunters Point Shoreline Area. Therefore the trauma and depression directly attached to discussion of Redevelopment Plans is already evident among the tenants there. I would hope the Agency can realize that this beleaguered community is already weighted with many other crises resulting from the neglected living conditions and environment in which they have been forced to reside and can least afford the disruption of being moved to temporary housing for four years. (*Kevyn Lutton*)

Response

This comment does not address the adequacy of the Draft EIR; rather this comment pertains to the merits of the Project and/or issues related to Project approval. The following information is provided by the Agency for the benefit of the public and decision makers.

With respect to public housing, the San Francisco Housing Authority (SFHA) projects are included in Project Area B (the area proposed to be added to the existing Hunters Point [HP] Redevelopment Plan Area through the proposed Redevelopment Plan Amendment) on the basis of blight conditions prevalent on the properties; however, the SFHA will retain jurisdiction over its properties. The SFHA will continue to administer its properties and pursue renovation of its units. Inclusion in the BVHP Redevelopment Plan facilitates the coordination of SFHA policies with those of the Agency and City.

Regarding one to one replacement housing, the Agency does not intend to acquire single family homes or multi-family dwellings as part of the Project. Regarding Project Area B, which is proposed to be added to the existing Hunters Point (HP) Redevelopment Plan Area through the Bayview Hunters Point (BVHP) Redevelopment Plan Amendment, the Agency would be restricted in its use of eminent domain. Specifically, the Agency cannot use eminent domain on residentially zoned property ("R" zoning districts), and can only consider use of eminent domain on non-residentially zoned property if the property meets specific criteria listed in the Redevelopment Plan Amendment and after there has been public discussion in the BVHP community.

Unless the Agency removes affordable housing from the Project Area, no replacement housing is required. Nevertheless, in the event that the Agency removes affordable housing, the Redevelopment Plan Amendment requires that it be replaced on a one-to-one basis.

With regards to the comments regarding environmental justice, please refer to the Response to Comments under Environmental Justice, below.

Environmental Justice

Comment

Recent statutory law has invigorated CEQA's role in ensuring "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" (i.e., environmental justice)." (*Maurice Campbell*)

Response

The comment addresses environmental justice but does not address specific concerns. The Draft EIR discusses environmental justice on pp. III.A-13 and III.A-14. The Draft EIR acknowledges that environmental justice is an important issue in Bayview Hunters Point (BVHP). As stated on p. III.A-14, "Balancing the City's desire to preserve and encourage new PDR activities that are environmentally compatible with adjacent uses, and creating land use mixes and patterns that provide employment and economic revitalization opportunities for BVHP residents are key environmental justice issues." The Agency has taken these issues into consideration in developing the Redevelopment Plan Amendments and the Planning Department has taken these issues into consideration in developing specific land use controls that buffer residential uses from intensive industrial operations.

Comment

I am an African American resident of public housing in the Bayview Hunters Point Community in San Francisco California. I allege that the Draft Environmental Impact Report (DEIR) prepared by the City and County of San Francisco (CCSF) and the San Francisco Agency (SFRA) is inadequate and as currently proposed the redevelopment of the Hunters Point Project Area violates my statutory, civil, and constitutional rights including but not limited to due process and equal protection, and that it further discriminates against me on the basis of my race and income.

As proposed the DEIR will result in specific discrimination against me, my family, my neighbors, who are predominantly low-income African Americans who reside in the public housing, in the project area proposed for redevelopment. This project will result in the demolition of our homes and we will be dislocated likely resulting in increase homelessness in San Francisco.

This dislocation is identified as the primary area of controversy in DEIR Section F.

F. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED Preparation of the EIR identified the following areas of controversy or unresolved issues regarding the Project.

Conserve existing housing and provide new housing, while retaining necessary PDR uses that support a diverse local economy

Preserve and strengthen the fabric of the community, including the Town Center, neighborhoods, institutions, and resources, while eliminating displacement and relocation to the maximum extent possible.

In fact I believe that as currently proposed the project will discriminate against me and other like situated persons like myself with intent. This illegal discrimination plan amounts to what I call the Negro Removal Program (NRP) within the Bayview Hunters Point Project Area. The evidence of this is the proposed housing program proposed in the DEIR will demolish more of the low and very low income housing units currently existing within the Project Area than are being proposed to be constructed in the DEIR under either the low or high estimate of need.

[Draft EIR at III.C-23 to III.C-24] Table III.C-15 applies those income distributions to derive estimates of the projected need for housing affordable to new moderate-income, low-income, and very-low income households associated with new employment anticipated under the Project. Estimates are provided for the sets of assumptions yielding the lowest and highest estimates of housing demand. The lowest estimate is associated with Case 1 (no Stadium Development Retail/Entertainment Center), 1.35 workers per household, and 55 percent of households living in San Francisco; the highest estimate is associated with Case 2 (when the Stadium Development Retail/Entertainment Center is completed) assuming one worker per household and all households living in San Francisco. In all, between about 1,347 (Case 1, more workers per household, with commute adjustment) and 4,414 households (Case 2, fewer workers per household, no commute adjustment) could require some type of financial assistance to be able to afford the housing they seek in San Francisco.

Because there are no standards of significance for housing, this shortfall of affordable housing units is not considered to be a less-than-significant impact. Nevertheless, the Project includes an Affordable Housing Program to address the need for affordable housing in the Project Area and to assist current homeowners in maintaining and retaining their homes.

Therefore according to the DEIR itself, since the "shortfall of affordable housing units is not considered to be a less-than-significant impact" therefore this is clear evidence that this remains a significant unmitigated impact pursuant to the California Environmental Quality Act (CEQA). Additionally since the Bay View Hunters Point (BVHP) neighborhood is a predominately African-American community of color that is disproportionately impacted by existing environmental hazards and has a disproportionately high number of families with household incomes below the poverty level compared to the CCSF as a whole, Federal law, Title VI of the Civil Rights Act of 1964 requires CCSF, and the SFRA, in coordination with the California Environmental Protection Agency, Department of Toxic Substances Control, to identify and address any disproportionately high human health, socioeconomic, or

environmental impacts of their programs, policies, and actions on minority or low-income populations.

Comment

CEQA provides that a proposed project may have a significant effect on the environment when the possible effects on the environment are individually limited but “cumulatively considerable.” (Pub. Res. Code § 21083(b); 13 Cal. Code Regs. § 15065. “‘Cumulatively considerable’ means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (14 Cal. Code Regs. § 15065.) In addition to analyzing the direct impacts of a project, the CEQA Lead Agency must also consider a project’s potentially significant cumulative impacts.

Recent statutory law has invigorated CEQA’s role in ensuring “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (i.e., environmental justice).” (Emphasis added; see SB 115, Solis; Stats. 99, ch. 690, Gov. Code § 65040.12 and Pub. Res. Code §§ 72000-720001.)

In conjunction with the regulatory provisions of the federal Clean Air Act and Division 26 of the Health and Safety Code,³ CEQA provides an ideal mechanism for ensuring that Environmental Justice will be addressed in all activities and projects that may have a significant effect on the environment.

CEQA requires that environmental documents (i.e., an environmental impact report (EIR)) be prepared whenever a public agency proposes to undertake a discretionary activity (which is defined extremely broadly as the “whole of an action” being engaged in) that may have a significant effect on the environment. (See Pub. Res. Code §§ 21002.1, 21061, 21064, and 21080.1; see also 14 Cal. Code Regs. § 15002.)

In enacting CEQA, the Legislature expressly declared a number of important policies with which activities and documentation must be consistent, and which must be complied with and enforced, including:

“It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, *shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.*” (Pub. Res. Code § 21000(g) (emphasis added).)

³ 42 U.S.C. § 7401 *et seq.* (Public Law 88-206, 77 Stat. 392, December 17, 1963, as last amended by the Clean Air Act Amendments of 1990, P. L. 101-549, November 15, 1990); Health & Saf. Code § section 39000 *et seq.*

It is California policy to “[d]evelop and maintain a high-quality environment now and in the future, and *take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.*” (Pub. Res. Code § 21001 (a) (emphasis added).)

It is the policy of this state to require that public agencies “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code § 21001 (b) (emphasis added).)

State policy calls for ensuring “that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.” (Pub. Res. Code § 21001 (d) (emphasis added).)

State policy requires “governmental agencies at all levels to *develop standards and procedures necessary to protect environmental quality*” (Pub. Res. Code § 21001 (f) (emphasis added).)

California policy requires “governmental agencies at all levels to *consider qualitative factors as well as economic and technical factors and long-term benefits and costs ...*” (Pub. Res. Code § 21001 (g) (emphasis added).)

“The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.” (Pub. Res. Code § 21000(f).)

“Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.” (Pub. Res. Code § 21000(e).)

The recent enactment of Public Resources Code sections 71110 through 71115, and Government Code section 65040.12, in conjunction with other statutory and regulatory requirements, such as the Bay Area Air Quality Management District State Implementation Plan, and EPA regulations, require the CCSF, SFRA, as well as other agencies, to infuse Environmental Justice into every aspect of decisionmaking. This panoply of statutory authority supplements the general authority to “do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon [a public agency]...” (Health & Saf. Code § 39600.) Further, the rules, regulations, and standards that the CCSF, SFRA, and other agencies adopt must be “consistent with the state goal of providing a decent home and suitable living environment for every Californian”⁴ (*Id.* § 39601 (c).)

Therefore the proposed redevelopment of both project areas, and all associated activities constituting the “whole of an action” being carried out by the public agencies involved capable of having an adverse environmental impact (14 Cal. Code Regs. § 15378(a); see also Pub.

⁴ This overlapping of statutory goals and requirements (*see* Pub. Res. Code § 21000(g), quoted above) is typical among statutory schemes aimed at protecting the public health.

Res. Code § 21065), and therefore both projects considered together must be subjected to environmental review pursuant to CEQA to ensure that all the entire project's adverse, potentially significant impacts on the Bayview Hunters Point community, as well as the entire region in which the project is located, are fully and fairly investigated, identified, analyzed, evaluated and, perhaps most importantly of all, **mitigated** – while also ensuring that project alternatives capable of avoiding or reducing the impacts are considered and, if feasible, adopted.

Conclusion

Wherefore, for good cause shown, I respectfully request that the CCSF and SFRA complete a supplemental Environmental Impact Report including mitigation for the impact of the proposed project on,

- 1) The retention of existing housing stock for low and very low income persons.
- 2) The impacts and mitigation proposed for those low and very low income residents within the project area threatened by dislocation due to the implementation of the proposed project.
- 3) The cumulative impacts of the project considered with the impacts of the proposed redevelopment of the shipyard, and with other existing impacts from surrounding industrial uses or proposed development projects.
- 4) In order to provide an evidentiary record of compliance with the requirements of the Federal law, Title VI of the Civil Rights Act of 1964, as well as CEQA, and statutes.

(Lynne Brown)

Response

The Agency does not intend to acquire single-family homes or multi-family dwellings. At this time, the Agency does not have the ability to use eminent domain in the existing Hunters Point (HP), India Basin Industrial Park (IBIP) or Bayview Industrial Triangle (BIT) Redevelopment Plan Areas. None of the Redevelopment Plan Amendments would permit the Agency to condemn residentially zoned property ("R" zoning districts). Furthermore, the Redevelopment Plan Amendments call for the retention of the existing housing stock.

Under the proposed Bayview Hunters Point (BVHP) Redevelopment Plan Amendment, Project Area B (the area which is proposed to be added to the existing HP Redevelopment Plan Area through Redevelopment Plan Amendment), the Agency cannot use eminent domain on residentially zoned property ("R" zoning districts), and can only consider use of eminent

domain on non-residentially zoned property if the property meets specific criteria listed in the Redevelopment Plan Amendment, and after there has been public discussion in the BVHP community.

With regards to standards of significance, as discussed on Draft EIR Section III.C, p. III.C-10, employment, housing, and population growth are not adverse impacts *per se* on the environment. Rather, growth in these sectors may have physical impacts on the environment, such as traffic, air quality, and noise. Particularly, a shortfall in supply of affordable housing is not an environmental impact under CEQA, but a social or economic impact. Environmental justice concerns are discussed below and secondary physical impacts that may result from a shortage of affordable housing are addressed in their appropriate subject-area sections of the Draft EIR. To clarify Draft EIR conclusions regarding housing effects, Draft EIR p. III.C-24, first paragraph, is revised to read as follows:

“The shortfall in affordable housing would not be a significant impact on the environment in and of itself. However, the effects of changes in housing with the Project are accounted for in the transportation, air quality, noise, community services, and growth inducement sections. Nevertheless, the Project includes an Affordable Housing Program to address the need for affordable housing in the Project Area and to assist current homeowners in maintain and retaining their homes.”

The Employment, Housing, and Population section of the Draft EIR (Section III.C, pp. III.C-22 to III.C-24) describes the projected need for affordable housing in BVHP and for San Francisco as a whole. As shown in Table III.C-15, with regards to the demand for households that would result from the Project, 56 percent of those households expected to live in San Francisco would need very low-, low- and moderate-income housing. This need would generate a housing demand that would range from 1,347 to 4,414 new housing units. The overall housing demand would range from 2,393 to 7,737 new housing units.

Appropriately, a major program in the BVHP Redevelopment Plan is the affordable housing program that sets forth an aggressive public program for the production of affordable housing units. The Agency assumes that the private market will construct market rate units for persons and households of above-moderate income. The Agency, through the affordable housing program, would seek to build as many affordable housing units as feasible. Although the

Draft EIR includes an estimate that a total of 3,700 new housing units would be constructed by year 2025, the Draft EIR does not assign the units to particular income categories. In implementing the BVHP Redevelopment Plan, the Agency will seek to facilitate the construction of as many affordable housing units as possible. Under the proposed Redevelopment Plan Amendment, Agency-sponsored affordable housing would be affordable at household income levels which are 15 to 20 percent lower than the citywide area median income to address the concentration of lower income households in the BVHP area.

In those instances where there is residential displacement, the Agency will follow specific rules for relocation and provide assistance, pursuant to the state relocation requirements.

The Draft EIR discusses environmental justice on pp. III.A-13 and III.A-14. The Draft EIR acknowledges that environmental justice is an important issue in Bayview Hunters Point. As stated on p. III.A-14, "Balancing the City's desire to preserve and encourage new PDR activities that are environmentally compatible with adjacent uses, and creating land use mixes and patterns that provide employment and economic revitalization opportunities for Bayview Hunters Point residents are key environmental justice issues." The Agency has taken these issues into consideration in developing the Redevelopment Plan Amendments and the Planning Department has taken these issues into consideration in developing specific land use controls that buffer residential uses from intensive industrial operations.

Regarding inclusion of the Hunters Point Shipyard development, the cumulative analysis of the Draft EIR includes the build-out of the Shipyard in the 2025 Base Case conditions, pursuant to its adopted Redevelopment Plan. The cumulative impacts analysis identified in this EIR assume that development that occurs in the Bayview Hunters Point, India Basin Industrial Park (IBIP), and Bayview Industrial Triangle (BIT) Redevelopment Plan Areas would be added to development occurring at the Shipyard. For further information regarding Shipyard development, please refer to Response to Comments in the Land Use Section related to the Port of San Francisco, pp. C&R-67 to C&R-68, above.

EMPLOYMENT

Production, Distribution, and Repair

Comment

As stated above, this plan fails to adequately address the need for employment in our neighborhood. It actually reduces 'production, distribution and repair' which is so necessary to diversify choices of career paths. The Plan gives the impression that the dominating option for work is in retail. Our youth desperately need to have a vision for their future which will de-emphasizes consumerism, not emphasize it. It is a source of great suffering in struggling families to live in an environment where everything around them gives the message that the primary source of self esteem is to be found in the over acquisition of *stuff*. Low-income families should be surrounded by models of folks who are gainfully employed in a variety of trades and are able to save for their own and their children's future. The training in skills that are now available in BVHP through YCD and the Community College on Evans Street is of no use to the community if there are no actual shops where those who possess these skills can and will be employed.

Many low-income persons have become bitter and disillusioned by these endless empty promises of jobs. Even MUNI, which unlike the Agency, is answerable to the Transportation Commission comprised of our Supervisors have failed to fulfill the promises of jobs for this community. Demands put to them by the Supervisor-Commissioners are responded to in painfully phony ways. While they report a growing list of local workers on their employee list, the people are being hired for ridiculously short times and laid off. Then new persons are hired to again be laid off. But MUNI reports a long list of locally filled jobs. On top of that, the City has blocked this Community's demand for control of the construction of the new MUNI maintenance barn. Although the Agency may say this is irrelevant to this project, I describe it here as a reminder that the Agency must do something (like, offer incentives to owners of PDR enterprises to actually hire trained residents from this community and mentor those who wish to go into business themselves) to restore confidence in the Community that actions actually correspond to the words of this document.

The flatlands provide the best location in the City for the enhancement of PDR activities. The Agency's Plan is shocking in the way it decreases PDR, and seems to actually discard it in favor of retail. At a minimum, Redevelopment should offer support and space, for facilities where a co-operative can produce modular buildings for construction activities within the City. The Plan design should make provisions to facilitate the production of photovoltaic energy sources and other forms of green energy owned and operated by residents. Production plants would make the resale and installation of green products deliverable at great savings to San Francisco, not only in terms of money but also in the use of fossil fuel used in bringing products into the City. Many other ecologically enhancing production facilities should be encouraged by the Plan to retain the working class demographics of our neighborhood. This document offers no reassurances that the quantity and variety of employment (other than in retail) and entrepreneurial enterprises will be enhanced.

There seems to be a mathematical error on page III.C-13, Table III.C-8

Production, Distribution and Repair	new jobs/base case	new jobs/Project	Percent increase
	3,190	1,827	57%

If the totals above are correct there would be a 57% decrease in PDR jobs

(Kevyn Lutton)

Comment

Now they're getting to be some business. They're the same ones complaining. Now they want us to be noble and say, well, after all, it's not about color. We need — it's all about color. It's all about color, the sewage treatment plant in our community, completely. Now when they look like it's going to be some employment and something like that, they can't have it both ways.
(Charlie Walker)

Response

The Draft EIR discusses environmental justice on pp. III.A-13 and III.A-14. The Draft EIR acknowledges that environmental justice is an important issue in Bayview Hunters Point (BVHP). As stated on p. III.A-14, "Balancing the City's desire to preserve and encourage new PDR activities that are environmentally compatible with adjacent uses, and creating land use mixes and patterns that provide employment and economic revitalization opportunities for BVHP residents are key environmental justice issues." The Agency has taken these issues into consideration in developing the Redevelopment Plan Amendments, and the Planning Department has taken these issues into consideration in developing specific land use controls that buffer residential uses from intensive industrial operations. The third paragraph on Draft EIR p. III.B-15 addresses these land use controls:

"Meanwhile, the industrial areas in the northern and southern portions of BVHP would be rezoned to preclude incursions of incompatible residential and commercial uses. Industrially-zoned areas nearer to residential districts would be rezoned to disallow noxious or toxic heavy industrial uses and encourage a buffer of Light PDR development in proximity to residential zones. Other industrial uses would be restricted and protected by zoning that specifically allows only Core PDR uses in areas served by existing and proposed truck routes away from residential districts. Finally, the northern portion of Bayshore Boulevard, adjacent to US Highway 101, will be rezoned to allow heavy or large-scale commercial uses, such as those currently existing along that corridor."

With regards to employment, Section III.C, Employment, Housing, and Population reviews potential changes in employment in the BVHP area, based on projections developed by the Planning Department, for the San Francisco County Transportation Authority land use model. As shown in Table III.C-8, p. III.C-13 (revised and re-printed on the following page), Production, Distribution, and Repair (PDR) employment growth would be lower with the Project compared to the 2025 Base Case, because the Project would result in more mixed-use and housing land use than the 2025 Base Case. It is noted that the large increase of retail jobs would occur only with the development of the Stadium Development Retail/Entertainment Center project (Stadium/Retail project) in the Candlestick Activity Node, which would account for about 3,700 new jobs, out of the 8,375 estimated new jobs in the Project study area.

To clarify the Draft EIR tables on employment changes, and to correct typographical errors pointed out by the commentor, Table III.C-7 (p. III.C-12) and Table III.C-8 (p. III.C-13) are revised as shown on the following page.

TABLE III.C-7 (REVISED)
PROJECT-RELATED EMPLOYMENT GROWTH AS A
PERCENT OF TOTAL STUDY AREA EMPLOYMENT GROWTH
BY INDUSTRY, 2000 - 2025

Industry	Study Area Increase			Project-related Increase*	Project related Increase as % of Total Increase
	2000	2025 with Project	Total Increase, 2000-2025		
Cultural/Institutional/Educational	2,365	2,809	444	291	66%
Medical and Health Services	92	220	128	127	99%
Management and Information Professional Services	6,732	8,972	2,240	606	27%
			1,727		
Production, Distribution, Repair	20,441	22,268	<u>1,827</u>	878	48%
Retail and Entertainment	3,416	7,141	3,725	3,610	97%
Visitor Lodging	26	37	11	11	100%
TOTAL	33,072	41,447	8,375	5,523	66%

Source: San Francisco Planning Department; San Francisco County Transportation Authority; Table III.C-6.

Notes: * From Table III.C-6.

TABLE III.C-8 (REVISED)
STUDY AREA EMPLOYMENT BY INDUSTRY:
PROJECT CHANGE COMPARED WITH BASE CASE, 2000-2025

Industry	New Jobs With Base Case	New Jobs With Project	<u>Change with Project as Percent of Base Case</u>
Cultural/Institutional/Educational	367	444	121%
Medical and Health Services	15	128	853%
Management and Information Professional Services	1,338	2,240	167%
Production, Distribution, Repair	3,190	1,827	57%
Retail and Entertainment	398	3,725	963%
Visitor Lodging	0	11	n.a.
TOTAL	5,308	8,375	158%

Source: San Francisco County Transportation Authority, 2004.

Oakinba Activity Node

Comment

So I really want to provide jobs, and I want to help, but I don't know that putting a big box along Bayshore is necessarily the answer because a lot of small business owners there that are doing very well and that lend to the environment that we have. (*Bree Lamer*)

Response

The Draft EIR assesses the environmental effects of the proposed Redevelopment Plan Amendments and proposed rezoning at a program-level of specificity. Based on a projected net increase in commercial and industrial square footage, the EIR projects a certain number of net new jobs created. Assessment of the actual numbers and types of jobs created requires a project-specific economic assessment. The Project does not include any specific development proposals in the Oakinba Activity Node that could be analyzed at a project-specific level at this time. The employment and other economic effects of specific retail development are project-specific and are not part of the proposed Redevelopment Plan Amendments. The Draft EIR

does not include an assessment of the loss of jobs by some businesses and the gain of jobs by new businesses as these would be appropriately assessed as part of any future project analysis.

Comment

The Draft EIR fails to adequately resolve the concerns of Production, Distribution and Repair Facilities (PDR). The Draft EIR includes language indicating the need to retain a diverse economy but implementation of the Draft EIR's land use changes would result in a substantial loss of PDR jobs, economic diversity, and economic stability. The Draft EIR states "[special emphasis would be placed on increasing residential development in a manner that successfully integrates PDR businesses that are needed to maintain a diverse economy..." (Draft EIR Page S-4). Yet at the same time, the Draft EIR states that one of the "Areas of Controversy and Issues to Be Resolved" includes the need to "[conserve existing housing and provide new housing, while retaining necessary PDR uses that support a diverse local economy." (Draft EIR, Page S-48) It is disappointing that the "special emphasis" the Draft EIR brought to bear on the PDR issue could not resolve this issue. *(Mark Klaiman)*

Response

As discussed on pp. C&R-1 to C&R-5, Project Revisions, the current Project does not propose land use changes in the Bayview Industrial Triangle (BIT) or the India Basin Industrial Park (IBIP). Furthermore, as discussed on Draft EIR pp. III.B-26 to III.B-30, a small amount of industrially zoned land would be converted to non-industrial zoning. However, a majority of land currently zoned for M-1 and M-2 would be rezoned to preclude residential and office uses in order to protect industrial and commercial activities.

Comment

The Draft EIR would bring about substantial loss of stable, well paying jobs in the Bayview. The Draft EIR would only specifically prohibit PDR businesses on Third Street and estimates that only 12% of industrial properties will be lost in the rezoning efforts. The actual loss of PDR business and jobs will be much greater. The loss of these jobs runs directly contrary to the sentiment that PDR jobs are vital to the City and that such jobs are "projected to be a driving force in Study Area growth." (Draft EIR page III.C-4).

The Draft EIR assumes that the only PDR jobs lost are the ones specifically zoned out of existence on Third Street. In reality, PDRs throughout the Project Area will be lost due to the increased presence of incompatible residential units built in close proximity to PDRs. The continued pressure to have residential uses on the entire length of Third Street precludes the continued viability of PDR business adjacent to such Third Street frontage parcels. The loss of these businesses, in addition the actual jobs and essential services lost, sends a message to all businesses that they are not wanted nor respected in San Francisco. *(Mark Klaiman)*

Comment

PDR businesses located in M1 and M2 zones because the City required them to locate there. Many of these businesses, given their option, would have located in other neighborhoods to be closer to clients, suppliers, etc. It is unfair to these business for the City to change the rules after businesses have invested in property, committed to employees, and developed relations with San Franciscans. Businesses that have played by the rules established by the City should not be penalized by the City changing the rules.

In sum, the Draft EIR puts existing PDR businesses in the untenable position of having their businesses threatened by an influx of new residential units into areas previously zoned for industrial use. *(Mark Klaiman)*

Response

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to makes no change in the existing land use designations in the Bayview Industrial Triangle (BIT) Redevelopment Area, and to make no change in the existing land use designations or the existing Redevelopment Plan in the 126-acre India Basin Industrial Park (IBIP) Redevelopment Plan area. Therefore, development under the Project would not include residential uses along the Third Street frontage of the BIT or IBIP, and would avoid the potential land use concerns raised in the comment. (Note that residential uses can be approved under existing land use controls as a Conditional Use in M-1 and M-2 zoning districts.) With the proposed Project, residential and other mixed uses would be permitted on other areas of Third Street. The land use compatibility effects of such changes are discussed in the Draft EIR, in Section III.B, Land Use and Zoning, pp. III.B16 to III.B-19, under "Third Street Corridor."

Candlestick Point Activity Node

Comment

The DEIR also suggests that the development of the Stadium/Retail Project could "draw sales away from more typical, existing shopping centers in several Bay Area counties." (III.C-13). These so-called "effects" are not cognizable under CEQA on their own because they do not directly cause a change in the physical environment. (CEQA Guidelines §15131(a); *Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261).

As the DEIR itself finds, the so-called socio-economic effects of the future Stadium/Retail Project are "too speculative at this level analysis for systematic evaluation, ... , and would more properly be considered in a project-level EIR..." (III.C-13). Quite true.

Moreover, if they are discussed at all under the project-specific EIR for the Stadium/Retail Project, it will only be as "secondary effects." (*James A. Reuben, Reuben & Junius, LLP*)

Response

CEQA Guidelines Section 15131 states "Economic or social information may be included in an EIR or may be presented in whatever form the agency desires." Inasmuch as the proposed Stadium Retail/Entertainment Center project (Stadium/Retail project) could draw sales away from existing shopping centers, the changes in travel characteristics and resulting effects on roadways would be addressed in a project-specific EIR as the physical effects of this secondary impact.

The Stadium/Retail project would compete for market share with other developments that attract the same market. However, this competition between the major retail projects would not necessarily be measured as physical land use effects, and therefore is not studied in the Draft EIR. To the extent that the shift in markets can be measured, there may be measurable environmental effects; however, the scale of such an analysis would extend beyond the EIR Project Area. CEQA calls for analysis of the indirect environmental effects of economic changes caused by a project. However, the economic changes are too speculative to determine at this programmatic stage and would be considered as part of the analysis for the Stadium/Retail project when the Stadium/Retail project is proposed and undergoes environmental review at a project-specific level.

Comment

Summary

The DEIR now under consideration by the City must not overreach in accounting for the future Stadium/Retail Project. The potential environmental impacts of that future project will be studied in a project-specific EIR. This project-specific EIR will include a sufficiently detailed project description to allow the lead agency under CEQA to make determinations regarding potential environmental effects. (*James A. Reuben*)

Response

The Draft EIR evaluates the possible environmental effects of the proposed redevelopment programs. CEQA Guidelines Section 21090(a) specifies that an environmental impact report for a redevelopment plan may be a master environmental impact report, program environmental impact report, or project environmental impact report. This EIR is a program EIR and project EIR as described within the first paragraph on p. III-1:

Project-related environmental impacts are presented as “Program Effects” and “Project Effects.” Program Effects are the environmental impacts that could result from amendment and adoption of the redevelopment plans; implementation of the three major community redevelopment programs, including the Economic Development Program, the Affordable Housing Program, and the Community Enhancements Program; and rezoning in the Project Area consistent with “Rezoning Option C: High Housing Option” as reflected in the Community Planning in the Eastern Neighborhoods, Rezoning Options Workbook (Workbook). “Project Effects” are the environmental impacts that could result from development and construction of the Bayview Connections Urban Open Space Project.

Accordingly, the evaluation of activities within the Candlestick Park Activity Node is at a program level of specificity. The potential development program for the Candlestick Point activity node is set by the City’s Planning Code, which was changed as a result of a 1997 ballot measure to permit construction of the Stadium Development Retail/Entertainment Center project (Stadium/Retail project). The Draft EIR assumes the 1997 ballot measure as approved by San Francisco voters and discloses environmental effects arising from the construction of the maximum development envelope for the Stadium/Retail Project. The ballot measure itself is not the subject of the current environmental review, but rather, the potential physical land use impact of the Stadium/Retail project and its inclusion in the Bayview Hunters Point Redevelopment Plan Area.

Draft EIR p. II-18 discusses the Stadium/Retail project zoning plans, including the amendment to the City Zoning Code to allow a stadium height of up to 200 feet and construction of other structures up to 150 feet under a conditional use approval for the mall; providing a new San Francisco 49ers football stadium to accommodate approximately 75,000 spectators, retail/entertainment mall adjacent to the stadium with approximately 1.2 million occupied

square feet, and transportation and circulation improvements; and enhancing Candlestick Point State Recreational Area. The Draft EIR includes the maximum building envelope permitted by the Planning Code in order to provide a conservative estimate of possible environmental effects as required by CEQA.

As the Draft EIR discloses environmental effects arising from the maximum development envelope for the Stadium/Retail project as defined in the 1997 ballot measure, the assumptions for future growth are conservatively high for CEQA analysis purposes, and it is reasonable to expect that not all of the development assumed for cumulative analysis purposes in the various major planning and Redevelopment Plan Areas, including the Candlestick Point Activity Node, may actually be built. To the extent that actual development falls short of projections, cumulative impacts proportional to population and employment would be overstated.

At the time a particular development is actually proposed, including a Stadium/Retail project at Candlestick Point, this development proposal will need to undergo project-specific environmental review that would be supplemental to this program-level review. As part of subsequent review, project-specific effects will need to be evaluated. The environmental effects would be expected to be less than those disclosed in the Draft EIR, to the extent that the proposal is less than the maximum building envelope permitted by the Planning Code.

Comment

Finally, the DEIR states that the development of the Stadium/Retail Project would create approximately 2,720 new jobs. (III.C-13). It is too early to say with certainty. Any and all references to the potential impacts caused by the future Stadium/Retail Project on employment, sales tax revenue, housing and population are necessarily speculative at this time, and therefore should be deleted from the DEIR. (*James A. Reuben, Reuben & Junius, LLP*)

Comment

It is an insult to residents to be told they should look forward to lots of job opportunities with the Stadium-Mall project. This offering of an overabundance of low paying jobs in retail implies that all the residents will be happy to play the role of a servant class gratefully waiting upon these visitors as clerks, restaurant workers, janitors.

The negative environmental effects of the Stadium-Mall as stated on V-1 (blocking of some shoreline views and the southern side of Bayview Hill, and *most offensively* taking of a

portion of the Candlestick Point State Recreation Area to be transformed into a parking lot) will add more blight rather than taking it away and contradicts the stated purpose of the Agency to "enhance and strengthen existing activities in Bayview Hunters Point and benefit current residents and businesses without replacing them." By causing retail jobs to dominate the economy of our neighborhood the ability to afford to continue to live here will be decreased. The mall will draw business from Third Street and weaken the ability of local business to sustain them.

Similarly big box chain stores planned for Bayshore will not enhance either the income or air quality of residents but instead will do the opposite. The Plan exploits the neighborhood for the benefit of visitors and the Agency itself by filling its coffers with tax increments. It causes us to doubt the good intentions of the Agency.

The 49er stadium and mall will benefit everyone *BUT* the present residents of BVHP. (Kevyn Lutton)

Response

The proposed Stadium Development Retail/Entertainment Center project (Stadium/Retail project) is included in the Draft EIR because the possible future development of the Candlestick Point area is the development proposal that was legislated in the 1997 ballot measure (Proposition F). Proposition F changed the City's Planning Code and set a maximum development envelope for the Stadium/Retail project at Candlestick Point. The Draft EIR assumes the 1997 ballot measure as approved by San Francisco voters and discloses environmental effects arising from the construction of the maximum development envelope. The ballot measure itself is not the subject of the current environmental review, but rather, the potential physical land use impact of the Stadium/Retail project.

The existing development controls were put in place by the 1997 ballot measure. The controls may be amended by the Board of Supervisors, but any amendments must be consistent with the purpose and intent of the 1997 ballot measure. To date no new amendments have been proposed.

The projected number of jobs that would be created by the Stadium/Retail project is estimated based on standard employment generation factors and is higher than the projections that were used in the 1997 ballot measures that were approved by San Francisco voters. Accordingly, based on the information available to date and based on the maximum development potential

for the Stadium/Retail project, the Draft EIR includes a conservative estimate of the number of jobs that could potentially be created by the Project. The actual number of jobs could be less; however, as the commentor states, that would not be determined until the project sponsor proposes a specific Stadium/Retail project.

TRANSPORTATION

Introduction

Korve Engineering, the EIR transportation consultant, reviewed the traffic analysis completed for the Draft EIR to confirm the conclusions regarding significant traffic effects at the study area intersections, and to confirm the feasibility of mitigation measures identified for potential significant effects.

As a result, Korve Engineering determined that the traffic analysis overestimated truck volumes in future traffic scenarios. The intersection analysis for the Existing and Existing plus Third Street LRT scenarios in the Transportation Report reflected truck volumes collected through field counts at study intersections. The October 2004 Transportation Report assumed the same percent of truck volumes in the analysis of future traffic scenarios as in the existing conditions without considering how the proposed changes in land uses would affect the volume of truck trips as a percentage of total traffic volume. These intersection conditions were represented in Draft EIR Section III.D. Korve Engineering reviewed the assumed percent of future traffic attributable to trucks. To account appropriately for future traffic conditions, the analysis of future year 2025 cumulative scenarios now includes the existing truck volumes plus an increase in truck volumes commensurate with the types of new land uses anticipated in the area. While the overall number of truck trips would increase over time, trucks would become a smaller percentage of the total future traffic volume, because new land uses are expected to generate less truck traffic on a per unit size basis when compared to existing land uses in the study area.

The projected lower volume of truck trips in turn affects the Levels of Service (LOS) at study area intersections. Higher truck volumes absorb more intersection capacity. Therefore, the LOS conditions with the higher truck volumes reported in the Draft EIR overstated the

severity of Project impacts. As a result of the corrected calculations, the Draft EIR intersection LOS calculations were revised to reflect the corrected future truck volume conditions. The revised analysis resulted in improvements to future volume-to-capacity ratios and delay at the Third Street/Evans Avenue intersection, with changes in LOS and thus potential significant effects compared to the analysis reported in the Draft EIR. As shown in Table C&R-1, below, with the corrected truck volumes, this intersection would operate at LOS E without mitigation and would be improved to LOS D with mitigation, compared to LOS F with or without mitigation as shown in the Draft EIR.

TABLE C&R-1			
Comparison of Third Street/Evans Avenue LOS Conditions – PM Peak-Hour			
	2025 Base Case LOS (Delay)	2025 Base Case + Project LOS (Delay)	2025 Base Case + Project + Mitigation LOS (Delay)
Draft EIR	E (62.3)	F (78.0)	F (61.9)
Updated Analysis	D (47.7)	E (76.7)	D (53.9)
Source: Korve Engineering, 2006			

The Bayshore Boulevard/Industrial Street/Alemaný Boulevard intersection would operate at LOS F with all future conditions. However, the Project's contribution to this impact would not be cumulatively considerable. The Project's contribution would be less than two percent of overall intersection volume and less than 0.5 percent of critical turning movements. In addition, Draft EIR Chapter IV identified a number of mitigation measures for cumulative traffic impacts as infeasible, because the Draft EIR noted that some measures would require acquisition of right-of-way and demolition of existing buildings, or substantial construction. Updated information on intersection mitigation measures, with an additional discussion on feasibility and implementation, is presented in the Response on pp. C&R-101 to C&R-107.

The Draft EIR Transportation Report, in addition to the year 2025 Base Case and 2025 Base Case plus Project effects, included analysis for future traffic conditions with a Transportation Improvements scenario. That scenario is based on roadway improvements and transit service

alternatives for Southeast San Francisco under review by the Department of Public Works. The major elements of that study, as noted in Transportation Report Section 4.2.4, would include a Yosemite Slough Bridge or similar circulation or roadway improvements to enhance access from US 101 on the south to the Hunters Point Shipyard, and a Carroll Avenue Extension to enhance truck and other vehicle access west to US 101. The Transportation Improvements are undergoing a separate environmental review process and were not assumed to be in place with the Redevelopment Plans and Rezoning scenario, but were looked at as an additional future scenario in the Draft EIR Transportation Report. The Draft EIR Transportation Report and the revised analysis discussed above found that the transportation impacts of the Project with intersection level mitigation measures were similar to those with the Project plus the Transportation Improvements. Further detail on the Transportation Improvements scenario is included in the revised Section III.D text in Section D of this Comments and Responses document.

The text of the Draft EIR has been revised to incorporate the information noted above as part of Section D, Staff-Initiated Text Changes and Errata, in this Comments and Responses document.

The *Revised Final Bayview Hunters Point Redevelopment Projects and Rezoning EIR Transportation Report*, January 2006, incorporating this updated analysis is on file and available for public review at the Agency and the Planning Department.

Comment

There seems not to be real adequate consideration of the possible necessity of new bus lines or certainly altered bus lines and those kinds of things, I think have not been adequately addressed as of yet.

My recommendation is the agency should quickly proceed with a Supplemental Draft EIR to factor in new things that have happened and some of the things that certainly many of us feel have been left out. Thank you very much. (*Arnold Townsend*)

Response

As described on Draft EIR p. III.D-22, certain service changes on MUNI are assumed to be complete by 2025, the build-out year for the Project. These include: MUNI LRT extension

from South of Market area to Chinatown and discontinuation of MUNI bus line 15. As described on Draft EIR pp. III.D-7 to III.D-12, both local and regional transit screenline analyses were conducted for the Project. Draft EIR Table III.D-6, p. III.D-22, shows that all MUNI bus lines would operate substantially below capacity for both inbound and outbound directions, except the west screenline in the inbound direction. No significant impacts to local transit would result from the Project. In addition, Draft EIR p. III.D-23 states that the Project would result in 48 net regional transit trips, to and from the East Bay and South Bay. These trips would have a negligible effect on regional transit capacity (substantially less than one percent) and thus the Project would not result in a significant effect on regional transit service.

Candlestick Point Activity Node

Comment

It will be an environmental detriment to the neighborhood, bringing in thousands of cars, which will add to the air-borne contaminants, which have already sickened the residents. Affluent visitors who can afford the luxury of tickets to 49er games and the amenities of the shopping/entertainment Mall will drive this traffic. (*Kevyn Lutton*)

Response

The proposed Stadium Development Retail/Entertainment Center project (Stadium/Retail project) is included in the Draft EIR because the possible future development of the Candlestick Point area is the development proposal that was legislated in the 1997 ballot measure (Proposition F). Proposition F changed the City's Planning Code and set a maximum development envelope for the Stadium/Retail project at Candlestick Point. The Draft EIR assumes the 1997 ballot measure as approved by San Francisco voters and discloses environmental effects arising from the construction of the maximum development envelope. Draft EIR Table III.D-3 identifies the trip generation that would result from activities in the Candlestick Point Activity Node. The Draft EIR identifies 15,779 auto trips in Candlestick Point, about 36% of total trips generated by the Project. This is a conservative analysis as the trips identified do not account for future trips that would occur in the absence of the Project.

Chapter IV, Mitigation Measures, has been revised to include Transportation Demand Management (TDM) measures that would reduce vehicle trips. These measures would applied

in association with development in the Candlestick Activity Node. Mitigation Measure 7, Transportation Demand Management, is presented on pp. C&R-109 and C&R-110. The revised EIR text for all transportation mitigation measures is in the Staff-Initiated Text Changes and Errata section of this Comments and Responses document.

Air quality effects of vehicle emissions are identified in Section III.H, Air Quality. Draft EIR pp. III.H-16 and III.H-17 conclude Project-related concentrations of carbon monoxide (CO) would be less than significant, and other air quality effects would also be less than significant.

Hunters Point Shoreline Activity Node

Comment

C. The Draft EIR's Traffic Analysis Is Deficient Since It Is Based On Underlying Data That Understates the Development Potential of the HP Shoreline Node.

The Transportation Analysis is based on a specified level of projected residential and commercial growth (through 2025) for the HP Shoreline Node. As noted above, even without considering our client's recent project application, the Draft EIR substantially understates the level of potential growth in the HP Shoreline Node, and therefore cannot accurately represent the likely transportation impacts. Our client's property alone could be developed with about 1,100 units under current Planning Code provisions. Therefore, given that there are other likely development sites in the HP Shoreline Node, the minimum reasonable level of development in this area would include 1,500 or more units. Since the Draft EIR's project description anticipates only 700 new units in this area, it obviously underestimates the potential transportation impacts of the redevelopment project. This deficiency is increased by the fact that there is no cumulative analysis of the transportation impacts including the additional growth represented by our client's project. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Response

The Draft EIR includes an adequate analysis of cumulative traffic impacts, accounting for reasonable forecasts of development in the Hunters Point (HP) Shoreline Activity Node. Please see Response on pp. C&R-32 to C&R-35 herein, regarding the analysis of potential development in the HP Shoreline Activity Node. As discussed in that response, development encompassed in the East India Basin LLC (EIB) project application referred to in the comment is considered speculative and uncertain. Analysis of the proposed EIB project is not required in this EIR.

Comment

Moreover, even based on a substantially understated level of growth in the HP Shoreline Node, the Draft EIR identifies significant intersection impacts at several key intersections that are substantially impacted by development in the Evans-Hunters Point-Innes corridor (which includes the HP Shoreline Node). Specifically, the Draft EIR's Transportation Impacts Analysis identifies significant redevelopment project impacts (or significant contribution to cumulative impacts) at the following intersections:

Third Street/Cesar Chavez
Third Street/Evans Avenue
Cesar Chavez/Evans Avenue

While the BHP Redevelopment Plan's specific impacts and "cumulative" impacts at these intersections are identified as significant in the Draft EIR, the degree of impacts may be substantially understated due to the under-estimation of the reasonably anticipated growth in the HP Shoreline Node, with or without consideration of the effect of our client's proposed project. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Response

The Draft EIR provides an adequate and complete analysis of cumulative transportation effects, as presented in Draft EIR pp. III.D-19 to III.D-21, and as further presented in revisions to Section III.D of the Draft EIR, in Section D of this Comments and Responses document. The Draft EIR cumulative analysis effects reflect land use data developed by the Planning Department and the Agency; and regional growth forecasts based on Association of Bay Area Governments (ABAG) data.

Appendix C, herein, of this Comments and Responses document, explains the growth forecast methodology employed in the Draft EIR cumulative analysis. The methodology used by the Agency and Planning Department to forecast growth expected as a result of the Project involved combining the growth projection forecasts of the two agencies. The result of the process was to predict somewhat greater growth with the Redevelopment Plans in place than would occur as a result of just the Planning Department's rezoning to the Eastern Neighborhoods Rezoning Option C. The logic for the use of redevelopment growth on top of the Option C allocation is the expectation that a redevelopment project would accelerate development that would not happen in the same time period under market conditions. The Planning Department used past development trends to predict new growth in its growth

allocation model. The Agency based its estimated growth on potential development capacity and assumed that a successful redevelopment program would fill this capacity more aggressively than without the Redevelopment Plan Amendment. When the two methodologies were combined, the resulting forecast assumed a somewhat greater degree of growth than was assumed by either the Planning Department or the Agency's forecasts alone.

See also Response on pp. C&R-32 to C&R-35, which discusses the status of the Hunters Point (HP) Shoreline Activity Node planning, with respect to analysis of the East India Basin LLC (EIB) proposal, referenced by the commentor.

Comment

I think, unless I misunderstand the Draft EIR, to say the addition of perhaps 2,000 units or more in that general area is not going to cause major traffic changes, to suggest there doesn't need to be major work done on reconfiguring intersections, et cetera, it just doesn't make a lot of sense. (*Arnold Townsend*)

Comment

The Draft EIR's discussion of mitigation measures is flawed for numerous reasons.

First, the Draft EIR concludes in the Mitigation Section that certain identified improvements to the Cesar Chavez/Evans intersection would mitigate the impacts of the redevelopment project on this intersection to insignificance (p. IV-4). However, this conclusion is contrary to the Transportation Report on which the Draft EIR discussion supposedly is based. (It also contradicts p. III-D-19, which includes this intersection on a list of unavoidable impacts.) According to the Final Transportation Report, the identified improvements "would not fully mitigate the significant adverse impact." Therefore, this impact at this intersection should have been considered significant and unavoidable, and the Draft EIR should either be revised to identify this as an unavoidable impact or to explain the inconsistency with the Final Transportation Report. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Comment

Second, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." To effectuate this requirement, EIRs must set forth mitigation measures that decisionmakers can adopt at the findings stage of the process. (Pub. Resources Code sec.

21100(b)(3); CEQA Guidelines sec. 15126(e), 15126.4.) The mere inclusion of mitigation measures within an EIR does not, by itself, bind the lead agency to later adopt and carry out such measures. (See Native Sun/Lyon Communities v. City of Escondido (1993) 15 Cal.App.4th 892.)

When approving projects that are general in nature (e.g., a general plan amendment), agencies must devise and approve whatever general mitigation measures are feasible to lessen or avoid projects' significant impacts. Agencies cannot defer the obligation to formulate and adopt mitigation until a specific development project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (1988) 198 Cal.App.3d 433, 442.)

In formulating mitigation measures, a lead agency is subject to "the 'rule of reason.'" (Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App.4th 826, 841.) "CEQA does not require analysis of every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects.'" (*Id.*) "An adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible." (Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1029.)

Contrary to these standards, the Draft EIR fails to consider an appropriate range of mitigations for the intersections at Third Street/Cesar Chavez and Third Street/Evans. The only mitigation measures that the Draft EIR identifies with respect to these intersections are certain physical changes to the intersections involving additional lanes and, therefore, requiring the acquisition of additional right-of-way. The Draft EIR then concludes that the mitigation discussed is infeasible.

According to the Draft EIR, the identified mitigations at Third Street/Cesar Chavez and Third Street/Evans were evaluated by DPT and determined to be infeasible because they would require the need to acquire additional right of way with existing structures. This discussion about infeasibility is completely inadequate. First, the City has the legal authority to acquire additional right of way, either by a negotiated purchase or use of eminent domain authority. Although the description of the mitigations is cursory, it does not appear that the amount of property to be acquired would be large. There is no discussion that indicates that any of the structures that might be affected are of any special merit as historic structures. (In fact, we believe at least some of the structures potentially affected are vacant warehouses.) Nor is there any discussion about the costs of acquiring the necessary property or relocating any potentially-affected businesses. A conclusory statement that the need for acquisition of private property renders a mitigation infeasible does not satisfy the requirements of CEQA. In effect, the Draft EIR seems to be saying only that the mitigations are infeasible just because the City has decided it does not want to implement them. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Response

On the basis of further review of the intersection mitigation measures described in the Draft EIR, the conclusions regarding feasibility of and responsibility for implementation of the

measures have been refined. The analysis now concludes that most mitigation measures identified in the Draft EIR are feasible and would be implemented either as part of the Project or the Hunters Point Shipyard project. The Third Street/Evans Avenue mitigation, described as infeasible in the Draft EIR due to the need for right-of-way acquisition, would actually be feasible and would be implemented as part of the Hunters Point Shipyard project. However, in the case of the Third Street/Cesar Chavez Street intersection, the mitigation measures would remain infeasible, as discussed below.

The Draft EIR identified a significant Project contribution to LOS F conditions at the Bayshore Boulevard/Industrial Street/Alemaný Boulevard intersection. However, the Project's contribution to this impact would not be cumulatively considerable. The Project's contribution would be less than two percent of overall intersection volume and less than 0.5 percent of critical turning movements. Thus, this contribution would in fact not be a substantial contribution to the future LOS F condition. Mitigation Measure 5, described in Draft EIR Chapter IV, pp. IV-3 and IV-4, has been deleted.

Taking into account the revised intersection analyses, and the application of intersection mitigation measures found to be feasible, significant Project LOS impacts would be avoided, with the exception of Third Street/Cesar Chavez Street, and US 101 northbound south of I-280. The latter two conditions are significant and unavoidable impacts, as stated in the Draft EIR.

The revised transportation mitigation measures in Draft EIR Chapter IV are discussed below and included in Section D of this Comments and Responses document:

Transportation Mitigation 1 Third Street/Cesar Chavez Street

Physical changes to the intersection's geometry would have to be made to mitigate the scenario's impact at this intersection. With the completion of the Third Street LRT, Third Street at Cesar Chavez Street will provide one left-turn lane, one through-lane, and one shared through-right lane at the northbound approach. To mitigate the scenario's impact at this intersection, one additional northbound left-turn lane would need to be provided. This

mitigation measure would result in operating conditions of LOS E (68.8 seconds of delay), with less delay experienced than in the no-project conditions.

With the Third Street LRT, space could not be taken from the center of Third Street. Parking will not be allowed in either direction on Third Street. To accommodate the additional space needed for a second left-turn lane, Third Street would therefore need to be widened to the east. Additional right-of-way acquisition would be necessary in the northeast and southeast quadrants of the intersections to facilitate the widening of Third Street. This would require the demolition of a portion of two warehouse structures, and substantial right-of-way acquisition (approximately 5,000 square feet in both the northeast and southeast quadrants of the intersection) of industrially zoned land.

~~The Department of Parking and Traffic (DPT) evaluated this mitigation measures and identified it to be infeasible, because of the need to acquire right of way with existing structures. Thus, this impact is considered significant and unavoidable.~~

As noted in the Draft EIR, the Third Street Light Rail Project FEIR also identified cumulative traffic impacts at the Third Street/Cesar Chavez intersection as significant and unavoidable. No mitigation measures were provided by the Third Street Light Rail Project. The widening of Third Street at this location would be inconsistent with the pedestrian environment being created by the LRT project. A widening of the roadway of this kind would make the pedestrian crossing of Third Street longer and potentially less safe, and would require more dedicated pedestrian crossing time as part of the signal phasing plan. Thus, this mitigation is considered infeasible and this impact would be significant and unavoidable.

Transportation Mitigation 2 Third Street/Evans Avenue

Physical changes to the intersection's geometry would have to be made to mitigate the project's impact at this intersection. With the Third Street LRT, this intersection provides Third Street at Evans Avenue with one through-lane and one shared through-right lane in both the northbound and southbound directions. There will be left turn lanes in both directions on Third Street. The eastbound approach on Evans Avenue will have one left turn lane, one

through lane, and one shared through-right lane. The westbound approach on Evans Avenue will have one left-turn lane, two through lanes, and one right-turn lane.

~~A second left turn lane would be necessary on the westbound approach on Evans Avenue. Space for the additional left turn lane would be obtained by removing the on street parking allowed on the roadway at this westbound approach. Two hundred feet of parking (approximately 8 parking spaces) would be removed to accommodate a 200 foot long right turn lane. Each of the traffic lanes on the westbound approach would be shifted to the north to accommodate the additional left turn lane.~~

~~The eastbound shared through right lane would be converted into one through lane and a separate eastbound right turn lane would be added on Evans Avenue. The right turn lane would be a minimum of 100 feet long. The roadway centerline at the eastbound approach would be moved approximately 10 feet to the north. Space for the additional right turn lane would be obtained by removing the on street parking located adjacent to the westbound receiving lanes at the eastbound approach.~~

~~These mitigation measures would require the acquisition of approximately 15 feet of right of way from the parcel on the north side of Evans Street between Third Street and Phelps Street (the northwest intersection quadrant). This additional space would allow for an adequate alignment of the westbound through movements crossing Third Street.~~

~~In addition, a second left turn lane would be necessary on the northbound approach on Third Street. This mitigation measure would require the acquisition of approximately 10 feet of right of way from the parcel on the east side of Third Street (northeast quadrant). This would result in moving the sidewalk 10 feet east on Third Street.~~

The Third Street Light Rail Project FEIS and FEIS for the Disposal and Reuse of Hunters Point Shipyard proposed that the southbound left-turn lane be eliminated at the Third Street/Evans Avenue intersection with the re-routing of turns via Phelps Street to Evans Avenue. In addition, signalization of the Phelps Street/Evans Avenue intersection and removal of parking spaces along Phelps Street and Evans Avenue were proposed as mitigation.

This improvement was found to mitigate the Proposed Project's impact at this intersection. This mitigation measure is feasible, but would require right-of-way acquisition, the removal of on-street parking spaces, and substantial construction to build new roadway and sidewalks.

This mitigation measure would result in operating conditions of LOS ~~F-D~~ (61.9 53.8 seconds of delay), ~~with less delay experienced than in the no-project conditions~~ thus fully mitigating the project's impact at this intersection. The measure will be implemented as part of improvements for the approved Hunters Point Shipyard project.

~~Acquiring right-of-way at this intersection would not be possible without displacing existing businesses and structures. The DPT evaluated this mitigation measure and identified it to be infeasible. Thus, this impact is considered significant and avoidable.~~

Transportation Mitigation 3 Bayshore Avenue/Paul Avenue

Changes to the signal phasing at this intersection would have to be made to mitigate the Scenario's impact at this intersection. Currently, the left-turn movements on northbound and southbound Bayshore Boulevard operate with permitted left turns. These movements would be converted to protected left-turn movements with this mitigation. No changes in the physical intersection geometry would be made. This mitigation measure would result in operating conditions of LOS D (41.6 seconds of delay), with less delay experienced than in the no-project conditions.

The implementation of this mitigation measure would not lead to any adverse impacts. The DPT evaluated this mitigation measure and identified it to be a feasible measure.

Transportation Mitigation 4 Bayshore Boulevard/Silver Avenue

Physical changes to the intersection's geometry would have to be made to mitigate the Project impact at this intersection. Currently, the eastbound approach on Silver Avenue has a shared left-turn and through lane and shared through and right-turn lane. To mitigate the impact at this intersection, an exclusive eastbound right-turn lane would need to be added. The proposed eastbound approach would consist of a shared left-turn and through lane, through

lane and an exclusive right-turn lane. To provide the right-turn lane the existing US 101 overcrossing would need to be widened. This widening would be needed for approximately 300 feet approaching the intersection; thus, an 11-foot-wide lane addition would result in a total structural modification of approximately 3,300 square feet. This mitigation measure would result in operating conditions of LOS F (V/C ratio of 1.71), with less delay experienced than in the 2025 Base Scenario. This mitigation measure is feasible and would reduce Project impacts to a less-than-significant level.

**~~Transportation Mitigation 5~~ — ~~Bayshore Boulevard/ Industrial Street/Aleman~~
~~Boulevard (Deleted)~~**

Transportation Mitigation 6 Cesar Chavez Street/Evans Avenue

Physical changes to the intersection's geometry would have to be made to mitigate the scenario's impact at this intersection. Evans Avenue provides one left-turn lane and one shared left-right lane on the northbound approach at its intersection with Cesar Chavez Street.

The *FEIS for the Disposal and Reuse of Hunters Point Shipyard* identified a project impact at the Cesar Chavez Street/Evans Avenue intersection and proposed the re-striping of the northbound approach to consist of two left-turn lanes and a right-turn lane. Structural modifications to the Caesar Chavez viaduct would be necessary to provide a proper curb return for right turn movement and will be implemented as part of the Hunters Point Shipyard project.

These changes would mitigate the proposed Project's impact. This mitigation measure would result in operating conditions of LOS F E (V/C ratio of 1.5 61.6 seconds of delay), with less delay experienced than in the no-project conditions and thus the Project would have a less-than-significant impact at this intersection.

The DPT evaluated this mitigation measure and identified the structural modification to the viaduct to be feasible.

Transportation Mitigation 6A US 101 South of I-280 (Northbound Direction)

Northbound US 101 south of I-280 would need to be widened to mitigate this impact. However, acquiring additional right-of-way in this section without the demolition of existing residences and businesses is not feasible. This impact is considered significant and unavoidable.

Comment

Finally, perhaps more surprising than the Draft EIR's cursory dismissal of these mitigations as infeasible is the fact that the Draft EIR makes no effort to identify and analyze any other possible mitigation measures to address the significant impacts at these intersections. In fact, there are a wide range of additional feasible measures that would mitigate transportation impacts and that therefore should have been considered.

By way of example, the EIR for the adjacent Hunters Point Shipyard Redevelopment area addressed a host of transportation mitigations, including transportation demand management and transit service improvements. The fact that such measures are both feasible and effective is shown by the fact that they are being adopted as part of the mitigation measures for the Hunters Point Shipyard.

The Mitigation Monitoring and Reporting Program for the Hunters Point Shipyard includes the following transportation-related mitigation that are ignored by the Draft EIR:

- Transportation Demand Management
- Transportation Management Association
- Transportation System Management Plan
- Transit Pass Sales
- Employee Transit Subsidies
- Expanded Transit Service
- Flexible Work Times
- Shuttle Service
- Pedestrian and Bicycle Facilities

The failure of the BHP Draft EIR to discuss and consider any of these transportation measure considered in the EIR for the Hunters Point Shipyard, and adopted as mitigation measures for the HP Shipyard Project, represents an inexplicable failure of the BHP Draft EIR to evaluate a reasonable range of transportation mitigation measures. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Comment

... the EIR's transportation analysis should be substantially revised. The analysis shows that even with the unrealistic low estimate of recommended growth, the overall redevelopment

project will have intersections that provide access to our client's property at Third and Caesar Chavez. The Draft EIR fails to analyze needs for those impacts. The Draft EIR identifies only a few possible intersections, then concludes with no real discussion and, therefore, that these impacts are significant and unavoidable.

The EIR then fails to analyze other possible mitigations to these unavoidable impacts. In the Hunters Point shipyard Environmental review the EIR identified a large number of additional transportation measures, traffic impacts and shipyard development. Just last week the planning commission adopted a mitigation [program] and the Board of Supervisors I think was considering that today, which included four pages of transportation management and transit improvements. These measures also must be discussed in the Bayview Hunters Point EIR. As it stands, the EIR fails to address an adequate range of mitigations. Moreover, the EIR can discuss other possible mitigations including the new Yosemite Bridge, which would direct traffic south away from Evans. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Response

Chapter IV, Mitigation Measures, has been revised to include discussion of Transportation Demand Management (TDM) measures that would reduce vehicle trips. Transportation Demand Management (TDM) programs are typically carried out where there would be a single entity, such as a property owner, or a group of such entities, able to implement a TDM. Most future development in Project Area B will be infill development done through private development by unaffiliated property owners who will be subject to land use regulation by the Planning Department, and not the Agency. A TDM program for development subject to the Bayview Hunters Point Redevelopment Plan Amendment would not be directly carried out by a developer or group of developers, but, as noted in the Draft EIR, would be a series of actions and programs to foster public and private investment and development in the Plan area. Thus, the Draft EIR did not identify a TDM program as a mitigation measure. In contrast, the Hunters Point Shipyard Redevelopment Plan TDM program, cited in the comments, would be carried out by a single developer or group of developers in the defined area of the Hunters Point Shipyard Redevelopment Project, subject to Agency regulation and a land use framework developed in coordination with a master developer for all infrastructure development.

Nonetheless, future Agency development agreements or other contractual relationships with those developers subject to the Agency's land use jurisdiction under the Bayview Hunters Point Redevelopment Plan Amendment could provide a mechanism to require developers or

tenants to implement TDM measures. Therefore, the following TDM program is added as a new mitigation measure in EIR Chapter IV, p. IV-4, after Transportation Mitigation Measure 6A, as presented in Section D of this Comments and Responses document. The new Mitigation Measure 7 varies from the specifics of the TDM program adopted as part of the Hunters Point Shipyard Redevelopment Plan because, unlike the Shipyard, Project Area B development activities will not be carried out pursuant to a master land use plan regulated solely by the Agency.

Transportation Mitigation 7 Transportation Demand Management

As part of any development agreements or other contractual relationship that the Agency enters into with developers for development in the Plan area, including, but not limited to the Candlestick Mall project, the Agency could require developers to implement the following programs. These measures may help reduce, but would not mitigate impacts at intersections identified with significant transportation impacts:

1. Transit Pass Sales. To the extent transit pass sales locations do not exist near the development, establish a transit pass sales location at the development.
2. Transit, Pedestrian and Bicycle Information. Provide maps of local pedestrian and bicycle routes, transit stops and routes and other information, including bicycle commuter information, on signs and/or kiosks available at the development. Have the developer provide rideshare information and services through 511.org or an equivalent program.
3. Employee Transit Subsidies. Require developments with 50 or more employees to use a transit subsidy system (e.g., through the Commuter Check Program) for their employees by incorporating transit subsidy requirements in agreements with developers.
4. Secure Bicycle Parking. In addition to the existing requirements of Planning Code Section 155, require developers to provide bicycle parking spaces in off-street parking areas in accordance with the amounts required by San Francisco Planning Code Section 155.1 for City-owned or leased buildings. In developments with 50 or more employees, require employers to provide clothing lockers and showers for bicyclists.

5. Parking Management Guidelines. Establish mandatory parking management policies for any developers that include parking facilities in their development. The mandatory parking management policies would be designed to discourage long-term parking, provide areas for rideshare vehicles and alternative fuel vehicles.

6. Flexible Work Time/Telecommuting. Require developers to offer employees the opportunity to work on flexible schedules and/or telecommute so they can avoid peak hour traffic conditions.

7. Local Hiring. In addition to any applicable requirements of the City's First Source hiring program, require developers to comply with the Agency's local hiring requirements.

As discussed in the Introduction to this Transportation Section, the Draft EIR Transportation Report, in addition to the year 2025 Base Case and 2025 Base Case plus Project effects, included analysis for future traffic conditions with a Transportation Improvements scenario. That scenario is based on roadway improvements and transit service alternatives for Southeast San Francisco under review through the Department of Public Works. The major elements of that study, as noted in Transportation Report Section 4.2.4, would include a Yosemite Slough Bridge or similar circulation or roadway improvements to enhance access from US 101 on the south to the Hunters Point Shipyard, and a Carroll Avenue Extension to enhance truck and other vehicle access west to US 101. The transportation improvement alternatives are undergoing a separate environmental review process and were not assumed to be in place with the Redevelopment Plans and Rezoning scenario, but were looked at as an additional future scenario in the Draft EIR Transportation Report. The Draft EIR Transportation Report and the revised analysis discussed above found that the transportation impacts of the Project with intersection level mitigation measures were similar to those with the Project plus the Transportation Improvements. Further detail on the Transportation Improvements scenario is included in the revised Section III.D text in Section D of this Comments and Responses document.

Comment

Moreover, the Draft EIR ignores the possibility for substantial upgrades in transit services for the HP Shoreline Node area. Muni has published a document entitled "A Vision for Rapid Transit in San Francisco." That document discusses the possible future construction of a bus rapid transit ("BRT") corridor that would connect the Hunters Point Shipyard and Innes/Evans Avenue through to Third Street, and beyond to the 24th and Mission BART station. Muni's Vision document states that "when the shipyard and surrounding across are developed, this corridor would best be served by BRT in the Evans/Innes corridor." Obviously, such a transit improvement could have a major benefit of mitigating traffic impacts on the above intersections; however, this possible improvement is not evaluated or even mentioned in the Draft EIR as a possible mitigation. The failure to discuss such mitigation is a critical deficiency of the Draft EIR. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Comment

Also the EIR should address mass transit improvements, such as the bus rapid transit line, extending along Ennis from the shipyard to the 24th and Mission Bart that was identified in MUNI's vision plan.

Finally, all the transportation analysis should reflect substantial additional development. Thank you very much. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Response

With regards to MUNI, Please refer to the Response on p. C&R-96 to C&R-97, above. As described in this response, substantial new transit service was considered and evaluated as part of the Draft EIR. Although the referenced Bus Rapid Transit project in the Evans Avenue/Innes Avenue corridor is included as part of a MUNI document, it was determined to be too speculative to include in the Draft EIR. At this time MUNI is not actively studying or considering this improvement and no potential sources of funding for studies or implementation have been identified. In addition, as discussed in the previous Response, and using the updated forecasts of truck traffic, the identified physical improvement measures at the Third Street/Evans Avenue and Evans Avenue/Cesar Chavez Street intersections would fully mitigate cumulative impacts at these intersections.

Comment

The Draft EIR also fails to address other transportation improvements that could mitigate the impacts on the intersections at Third/Evans and Third/Cesar Chavez. It is obvious that one of the major problems affecting Evans and Innes Avenue is the lack of alternative roads to carry

traffic from the HP Shipyard and the Shoreline Node to Third Street and beyond. The Transportation Report discusses various potential transportation improvements, including a Yosemite Slough Bridge that would improve access into the Hunters Point Shipyard from the south. This improvement was evaluated in the Transportation Report in conjunction with a package of other transportation improvements. According to the Transportation Report, these transportation improvements would result in improvement of traffic conditions, including reduced delay at Third Street/Evans Avenue and Cesar Chavez Street/Evans Avenue; the LOS at Third Street/Evans Avenue was shown to improve from LOS F to LOS E. None of this information was included in the Draft EIR. The failure to discuss these transportation improvements as potential mitigation measures in the Draft EIR itself is a significant deficiency in the Draft EIR that should be corrected. Other new roadways to provide additional routes into the HP Shoreline area should also be considered. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Response

Please see Response on pp. C&R-101 to C&R-105, above, discussing updated information on mitigation measures identified for the Third Street/Evans Avenue intersection and the Cesar Chavez Street/Evans Avenue intersection. Please also see Response on pp. C&R-108 to C&R-109, regarding other transportation improvements under review, including a potential Yosemite Slough Bridge.

Comment

The fact that the Draft EIR fails to base its evaluation of impacts on a more realistic assessment of growth in the HP Shoreline Node, considering both existing zoning and our client's proposed Harbor Village Project, compounds the deficiencies in the transportation mitigation discussion so as to render the Draft EIR essentially meaningless for public information and decision making with respect to the HP Shoreline Node and nearby intersections on Third, Evans, and Cesar Chavez. The reasonably anticipated additional growth in this area may result in the first instance in greater impacts and greater need for mitigations, but the greater density in this area also provides greater opportunity to mitigate these impacts. For example, a greater population density in this area will support more local retail, which may turn projected vehicle trips into shorter pedestrian or bicycle trips. Moreover, greater population density along Innes will help support improved transit services both by providing increased ridership as well as a potential revenue source to provide funding for both operating and capital costs. Assessing these long-term impacts and mitigations now will allow the type of long-term planning and implementations that will allow for improvements to be phased to match the pace of development and for land to be reserved now for improvements such as additional lanes and reserved bus rapid transit lanes. Failure to plan ahead may result in bottlenecks that are difficult to resolve and/or long term constraints on the potential housing and economic growth of the HP Shoreline Node and the Hunters Point Shipyard. (*Steve Atkinson, Steefel, Levitt & Weiss*)

Response

Please refer to the Response to Comment on pp. C&R-32 to C&R-35, with regards to growth forecast and the East India Basin, LLC (EIB) project. Furthermore, the Draft EIR considers land use changes and projected growth with Project conditions, and for cumulative conditions, consistent with CEQA requirements. Please see Response on pp. C&R-139 to C&R-143, below.

Comment

E. The Draft EIR Fails to Incorporate the Conclusions of the Bi-County Transportation Study.

The Draft EIR also fails to incorporate the traffic analysis conclusions from the Bi-County Transportation Study. The San Francisco/San Mateo Bi-County Transportation Study was undertaken as a multi-jurisdictional planning effort involving the San Francisco County Transportation Authority, the San Mateo City/County Association of Governments (C/CAG), the City of Brisbane, Daly City, and the City and County of San Francisco. The study aimed to anticipate and address transportation challenges associated with compounded development in the southeastern portion of San Francisco County and northeastern portion of San Mateo County for the next 20 years. This area includes Hunters Point, Candlestick Point, Executive Park and the Brisbane Baylands. Five potential major developments identified within this area include the Bayview-Hunters Point Redevelopment Project, the Hunters Point Shipyard, the Candlestick Point Stadium/Mall Development, and the Executive Park development in San Francisco, as well as the Brisbane Baylands in Brisbane.

While the Bi-County Transportation Study is yet to be fully approved, the Study allowed participating jurisdictions to agree on a picture of expected land use development for the area over the next 20 years, as well as potential roadway and transit improvements to accommodate proposed development. These improvements include:

Roadway extensions including Carroll Avenue, Bay View-Hunters Point Bridge and Geneva Avenue;

New or replacement freeway interchanges including Candlestick Interchange replacement/improvement, Harney Way improvements and Sierra Point Interchange replacement/relocation; and

Transit projects including MUNI Third Street Light Rail extension on Geneva Avenue (beyond its currently planned terminus at Sunnyvale Ave) to Candlestick Park, and new bus connections to Daly City and Balboa Park BART and to CalTrain.

The estimated cost of all of these improvements is between \$326 and \$338 million, with the three San Francisco projects including the Carroll Ave Extension, Harney Way Improvements

and Bayview-Hunters Point Bridge estimated to cost \$125 million (in 2002 dollars). Of these projects, the Bayview-Hunters Point Bridge has the greatest potential impact on transportation access conditions in the East India Basin area. The proposed bridge connects Candlestick and Hunters Points at Fitch Street and provides an alternate road access route to the south of the project area.

This and other projects outlined in the Bi-County Transportation Study have not be prioritized or evaluated on a specific project basis. However, the San Francisco County Expenditure Plan sets aside \$119.7 million for “New and Upgraded Streets” including \$46.3 million for planning, project development and capital costs associated with the San Francisco share of the Bi-County Study projects. These “Visitation Valley Watershed” projects are included as Priority 1 items in the County Expenditure Plan.

The failure to discuss the Bi-County Transportation Study and incorporate its conclusions or to explain any differences in conclusions reached by the two transportation studies in the Draft EIR itself is a significant deficiency in the Draft EIR that should be corrected. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Response

The Draft EIR’s future year transportation forecasts were prepared using the travel demand model created and maintained by the SFCTA, the responsible agency for the Bi-County Transportation Study. The SFCTA’s travel demand model includes all roadway network modifications and land use changes anticipated to be completed by the Draft EIR’s 2025 cumulative horizon year. In addition, the Draft EIR Final Transportation Report also tests a number of potential transit and roadway improvements which are outside of the current model, including the Yosemite Slough Bridge and Carroll Avenue extension. The Bi-County Transportation Study identified between \$326 and \$338 million worth of transportation improvements in the area, but it did not prioritize them for funding or implementation phasing, since those decisions will need to be reached as part of each Countywide Transportation Plan and in response to the actual pace of implementation for each development.

The Bi-County Transportation Study describes a number of necessary follow up steps including the need for project-specific evaluations (since the proposed projects were only evaluated as a package), development of a phasing strategy, and further exploration of incentives relative to land use/transportation connection policy.

Most improvements described in the Bi-County Transportation Study were not included in the Draft EIR Final Transportation Report, as they were judged by the SFCTA as too speculative for inclusion in a year 2025 horizon analysis.

Oakinba Activity Node

Comment

I am writing you to submit my strongest and most strenuous objections to the proposal by the San Francisco Redevelopment Board to rezone Bayshore Boulevard into a “Large Industrial” or “Big Box Alley” area.

The environmental, economic and social impact of such zoning would be catastrophic. Currently, Bernal Heights - the neighborhood situated just above Bayshore - is a jewel among the neighborhoods of San Francisco. This neighborhood represents the best of San Francisco - a community of middle income families and small businesses serving the diverse needs of a diverse community.

Cortland Avenue, the main thoroughfare that run through Bernal Heights, would become a wall to wall parking lot of cars moving to and from Mission/I 280 to Bayshore and 101. The pollution from car exhaust would severely impact the children who play in the Community Park and prohibit the free flow of pedestrian foot traffic that currently exists.

Comment

I am disappointed that the Bayview Hunters Point Redevelopment Project is looking to create a situation on the edge of their district which would have profound negative impact on Bernal Heights.

I must protest consideration of a “Large Commercial” zone on Bayshore Boulevard. The effect of the traffic congestion would harm a wonderful neighborhood. *(Eugenie Marek)*

Comment

This letter is to voice my strong opposition to the Home Depot application to locate on Bayshore Boulevard in San Francisco.

I am a 10 year resident of Bernal Heights and I feel strongly that our neighborhood will be compromised by the location of this large commercial store. I do not want Bayshore to turn into a big box alley. It will most certainly add more congestion to Cortland Avenue which is already seeing back up traffic. This small neighborhood is not designed for this kind of commercial activity. *(Moli Steinert)*

Comment

Is the number of weekday trips to Oakinba tied to a certain level of development of large retail? When is the timeline for Tables III.D-3 and D-4? (*Sue C. Hestor, Attorney for Cole Hardware*)

Comment

The traffic analysis at III-D-5 also omits Cortland and Bayshore. Why? The Home Depot DEIR shows significant unmitigatable impacts from that project on Cortland. (*Sue C. Hestor, Attorney for Cole Hardware*)

Comment

Also, the numbers for Bayshore and Industrial seem to contradict (or at least are not consistent with) numbers in the traffic study for the proposed Home Depot. The Bayview/Hunters Point DEIR rates Industrial and Bayshore's current level of service as level D. It rates 2025 at level F (unacceptable to the City) with or without this Project. The Home Depot DEIR rates current level of service also as D, but then offers "Current plus Home Depot" at level D, and 2015 Plus Home Depot still at level D. So do the numbers in the Bay view Hunter's Point DEIR assume that Home Depot is built as proposed? Does "2025 Without Project" assume that there is no big box development, including no Home Depot? In that case, why would the no project option result in level F, yet a Home Depot results in level D? The Home Depot DEIR looks at numbers only 10 years in the future, but the Bayview DEIR looks at 2025, 21 years in the future.

We understand that the Home Depot DEIR is not subject this comment period, but it seems to us that the City is inconsistent in how it evaluates traffic numbers between these two projects, which makes it difficult for the public to understand the actual traffic impact. We think these numbers need more detail and study. (*Viola Morris and Barbara Kyle, Bernal Heights Neighborhood Center*)

Comment

It also concerns us that Industrial Boulevard, the information is somewhat, I think, conflicting with what is in the Draft EIR for the Home Depot project. What they do is they compare the existing project, they give it a level of service D at that intersection, Bayshore and Industrial, but then the conclusions about what happens in the future are very different.

Here, it says that even without the project, it devolves to level F, and in the Home Depot, when it says — devolves only to a level D. So that's something I would like to see addressed in the responses is the Bayshore and Industrial intersection. (*Barbara Kyle*)

Comment

We met with the agency a year ago and said you need to deal with some of the issues relating to Cortland and Bayshore, and it's stunning that we get the EIR and it's as though we never had those conversations.

This EIR and the EIR for Home Depot should read compatibly, and if it reads compatibly, it means that you have the same Bayshore intersections analyzed because they all have the same impacts because the Home Depot EIR analyzes not only Home Depot, but big box activity in that EIR, and why is Cortland Avenue not in here?

Cortland Avenue is a major bottleneck not only for the people in Bernal Heights, but also for the 24 of us who serves both of our neighborhoods and gets congested and it gets backed up at that intersection, and so you have no information on transit impediments for both neighborhoods because you don't have it in here. (*Sue C. Hestor, Attorney*)

Response

The Draft EIR analysis accounted for projects under review as part of the 2025 Base Case, including the Home Depot as originally proposed at 153,000 square feet. As indicated in Draft EIR Table II-1, the Project analyzed an additional 100,000 square feet of Production, Distribution and Repair space and 100,000 square feet of Retail space projected for the Oakinba Activity Node in the Bayshore Boulevard corridor. The cumulative analysis identified LOS F conditions and Project impacts at the following intersections: Bayshore Boulevard/Paul Avenue, and Bayshore Boulevard/Silver Avenue. Measures to mitigate these cumulative impacts have been identified in the Draft EIR. The Bayshore Boulevard/Industrial Street/Aleman Boulevard intersection would operate at LOS F with all future conditions. However, the Project's contribution to this impact would not be cumulatively considerable. The Project's contribution would be less than two percent of overall intersection volume and less than 0.5 percent of critical turning movements, and would not be considered a considerable contribution to cumulative effects at that intersection.

In addition, this Comments and Responses document includes LOS analysis of the Cortland Avenue/Bayshore Boulevard intersection for the year 2025. Please see the Comments and Responses on pp. C&R-119 and C&R-120.

Comment

Because item 17 (1996.546E Bayview Hunters Point Redevelopment Projects and Rezoning) on the 12/2/04 agenda was delayed, I was unable to remain at the hearing. My understanding of one ramification of these proposals is that Bernal Heights would be impacted greatly. Yet, I believe that an environmental impact report which addresses the impact of these changes on the Cortland Ave./Bayshore Blvd. intersection and on Bernal Heights as a whole has not been done. This requires attention.

I have lived and owned a home on Bernal Heights for twenty seven years. I've enclosed a letter that I sent to The Examiner earlier this year outlining my concerns about construction of a gigantic Home Depot on Bayshore Blvd. Now - there is the even worse prospect of an entire stretch of large commercial businesses running along Bayshore Blvd. south of Cesar Chavez St.- our very own BIG BOX ALLEY. Even though the overall plan may have many benefits, I believe that our neighborhood has been ignored in terms of the negative impact this change would undoubtedly produce.

Hospital curve is already overly congested - what will this area be like with many new businesses along this corridor? Think Ikea in the East Bay! Think gridlock on Highway 101 and the 280 Freeway. Think even more traffic travelling across Cortland and Cesar Chavez St.. Think idling cars spewing exhaust into the neighborhood. Think busses being slowed down because of congestion. *(Lynne M. Eggers)*

Comment

Transportation Analysis is deeply flawed

How can the DEIR totally IGNORE the intersection of Cortland and Bayshore? That is a crucial intersection for the adjacent Bernal Heights neighborhood. The Home Depot DEIR shows that the intersection will be a bottleneck on Bayshore. The 24-Divisadero, which connects Bernal Heights and Bayview Hunters Point comes east on Cortland, turns right on Bayshore, then left towards Hunters Point. The congestion at this intersection will impede the 24, and possibly the no. 9. It will be a constraint to development in the Bayshore corridor.

Cortland IS NOT LABELED on any map. I could not find the word "Cortland" anywhere in the text. There are no traffic counts on III-D-5. The transit map on III.D-10 incorrectly shows 24-Divisadero. It goes west on Industrial, THEN NORTH ON BAYSHORE AND WEST ON CORTLAND.

This intersection also needs analysis (as do other intersections on Bayshore) on SATURDAY if large scale retail is to predominate in this area. There is such an analysis for Home Depot. *(Sue C. Hestor, Attorney for Cole Hardware)*

Comment

...I really fear for the traffic safety of our neighborhood because I see how Cortland — Cortland during rush hour — stop and go on Cortland in the morning and in the evening because it's already so busy, and that's going to be one of the main routes to get to this new commercial district... *(Nicky Griffin)*

Comment

I don't believe that Cortland Avenue can manage any more traffic coming through. Cortland is the main artery between Mission and Bayshore, a lot of people there, and then you have trucks parked on Cortland and people have to go around.

It gets stopped up. Cortland isn't in that good a shape. It's bumpy. I'm down at the bottom of the hill, and I see people coming down — coming down to Cortland, and to have an excess amount of traffic would be a real — I don't think Cortland can take it. *(Bree Lamer)*

Comment

Most of the times of the day, it's hard to find parking. So the excess traffic by the big box alley would have a huge impact in Bernal Heights, and I don't think that this is addressed. I would greatly encourage evaluation of the impact of the big box alley on neighboring Bernal Heights. *(Mike Voss)*

Response

In the responses to comments on the Draft EIR, the Cortland Avenue/Bayshore Boulevard intersection was analyzed in the Final Transportation Report under the following five Transportation Report scenarios:

- Existing Condition;
- Year 2025 Base;
- Year 2025 plus Scenario C;
- Year 2025 plus Scenario C plus Land Use Changes (Project); and
- Year 2025 plus Scenario C plus Project plus Transportation Improvements.

The growth rates used to determine the future conditions at this intersection were derived from the SFCTA model forecasts. Table C&R-2 summarizes the LOS results from this analysis based on the aforementioned assumptions and methodology. The intersection would operate at LOS D or better under all future scenarios. Based on the San Francisco Transportation Impact Guidelines, this intersection would operate at acceptable levels of service under all scenarios,

and therefore significant adverse impacts were not identified under any of the analysis scenarios.

TABLE C&R-2
LOS SUMMARY – CORTLAND AVENUE/BAYSHORE BOULEVARD

Intersection	Existing Conditons		2025 Base		Scenario C		Scenario C plus Land Use		Scenario C plus Land Use plus Transportation Improvements	
	LOS ¹	Delay ²	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Cortland Ave/ Bayshore Blvd	B	15.0	C	26.3	C	30.8	D	40.0	D	45.7

Source: Korve Engineering

Notes:

1. Level of Service

Delay is measured in average delay experienced per vehicle in seconds per vehicles.

The Home Depot Final EIR evaluated the conditions at the Cortland Avenue/Bayshore Boulevard intersection under the following three scenarios:

- Existing Conditions;
- Existing plus Project Conditions; and
- Cumulative Year 2015 Conditions.

Since the Draft EIR forecast year is 2025 and the Home Depot EIR analysis evaluated a cumulative scenario of 2015, the two analyses cannot be directly compared. In the Home Depot DEIR, the Cortland Avenue/Bayshore Boulevard intersection was found to operate at LOS C (20.1 seconds of delay per vehicle) in the year 2015 cumulative conditions analysis.

The additional analysis herein shows that the Cortland Avenue/Bayshore Boulevard intersection would operate at acceptable levels under all Project scenarios. No significant adverse impacts are expected to occur at the Cortland Avenue/Bayshore Boulevard intersection either with the Home Depot EIR analysis or with Project development in the Oakinba Activity Node. Revised figures III.B-1, III.B-2, III.B-4, and VI-1, illustrated on pp. C&R-12 to C&R-18, herein, label Cortland Avenue.

Comment

We often drive down Bayshore Boulevard and it is sad to see it in a semi abandoned manner, however we would prefer to see housing built in place of big box retailers. We live in Bernal Heights and struggle with major arteries that create the borders of our neighborhood. Despite our narrow and congested neighborhood streets, our neighborhood is a refuge of tranquility compared to the freeways that surround us. It would be extremely detrimental to Bernal Heights if Home Depot opened at the foot of Cortland Avenue as it would dramatically increase auto traffic right in the heart of our neighborhood. *(Gabriel Proo & Max Kirkeberg)*

Comment

It is clearly stated in this plan that the barely tolerable congestion at 5 key intersections surrounding the Project will be significantly adversely affected and "deteriorate levels of service to unacceptable levels in the weekday PM peak hours."

I agree with many residents that this problem alone should force Redevelopment to reexamine a more moderate level of new development. It seems that this concern would also include a review of safe routes for the passage of emergency vehicles. Along Bayshore the Plan poses a special risk for our neighbors to the West, which have only one East traveling route, Cortland Avenue, out of Bernal Heights. The increased traffic inevitable with the planned large-scale retail stores will create a worrisome danger of gridlock bringing with it safety risks during possible critical emergency events. *(Kevyn Lutton)*

Comment

Significant traffic congestion from Big Box.

Developing Bayshore Boulevard as a kind of "Big Box alley" will significantly increase traffic both on Bayshore Blvd. and on other feeder streets, including Cortland Avenue, which runs through Bernal's primary business district. The nature of Big Box stores is such that they attract a large customer base, from areas far beyond the local neighborhoods. This means people will be driving here who wouldn't otherwise be in the neighborhood, and will therefore increase traffic.

Traffic on Cortland Avenue is already bad enough, threatening the safety of the high number of pedestrians, including kids and seniors, in the neighborhood. In fact, the current traffic safety issues prompted the City's to do a Traffic Calming Study for Bernal Heights, to suggests ways to address the current problems.

Traffic Numbers Problematic

It does not seem that a complete traffic study was done for this DEIR. There is some discussion of changes in the Level of Service for certain intersections, but these seem problematic and need further study. First, the intersection of Cortland and Bayshore was not even addressed. Yet we know that this is a key intersection that would be highly impacted by traffic resulting from big box development on Bayshore. Indeed, traffic on other parts of

Cortland, including Mission and Cortland, should be addressed by this proposal. Because they are not, we believe the traffic impacts have been understated in this DEIR. (*Viola Morris and Barbara Kyle, Bernal Heights Neighborhood Center*)

Comment

There are many of us in Bernal Heights who feel that this change reflects a desire to actively promote big box development along Bayshore. We feel that the DEIR is deficient in weighing the potential traffic and air quality impacts of this change, ... (*Ron Morgan*)

Comment

The potential traffic impact is certainly greater than what we've already looked at for Home Depot, and of concern to us is that the intersection of Bayshore and Cortland was not at all represented in the traffic information, in this Draft EIR, and it really needs to be because that's a highly impacted intersection. (*Barbara Kyle*)

Comment

Cortland Avenue cannot handle any more traffic. The economic area in Bernal Heights is greatly stressed out as it is. (*Mike Voss*)

Comment

I feel this Draft EIR doesn't adequately address the huge adverse impacts that the new zoning on Bayshore Boulevard corridor would usher into our neighborhood.

Apparently, it's a brand new zoning that will allow huge development. It will encourage the kinds of businesses that are too large for the neighborhood, will bring in a great deal of traffic, are often chain stores with the corporate headquarters with the profits going elsewhere.

I feel this doesn't address the topographical issue that Bayshore Boulevard runs right next to Bernal Heights, which is a very steep hill, very steep narrow streets. The main road through Bernal Heights is Cordone Avenue, which is actually quite a narrow street and really quite clogged with traffic. I think the traffic impacts are not addressed adequately in this EIR. (*Nicks Griffin*)

Response

Please see the Response to Comments on pp. C&R-119 and C&R-120 regarding traffic analysis related to cumulative development in the Oakinba Activity Node, and analysis of the Cortland Avenue/Bayshore Boulevard intersection.

The zoning by itself would not determine the specific mix of businesses in the Bayview Hunters Point (BVHP) Redevelopment Plan Area. As discussed on pp. C&R-47 to C&R-49,

the proposed rezoning would reduce the size of new retail uses that would require a Conditional Use application. The Home Depot project is evaluated in a site-specific assessment of traffic and circulation in the project-level EIR prepared on the proposed Home Depot project, rather than in this program-level EIR. From a general traffic and circulation standpoint, the Draft EIR discloses the issues relative to general traffic movement along the Bayshore corridor.

The proposed Bayview Hunters Point (BVHP) Redevelopment Plan does call for the Agency to create development programs for coordinated economic development and investment in the various activity nodes, including the Bayshore corridor area. The proposed BVHP Redevelopment Plan Amendment identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba economic Activity Node, and calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the proposed BVHP Redevelopment Plan, the Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights, in creating the Oakinba development program. The development program will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics. The EIR discloses the air quality and noise effects of the Project in Section III.H Air Quality and III.I Noise, respectively.

Comment

what I was telling you is that the people who don't want this freeway made because they see that there will be accidents and there will be increase in crime due to urban community moving into work is not necessarily true at all as long as people that are coming in are going to work for a positive cause. (*Name inaudible*)

Response

Please note that there is no freeway proposed as part of the Project.

Port of San Francisco

Comment

Transportation

The DEIR should address peninsula passenger and freight rail operations of the Caltrain Joint Powers Board and Union Pacific Railroad. Currently the Port operates freight service out of the Inter-modal Cargo Transfer Facility—a freight rail yard and staging area adjacent to Cargo Way—which follows existing tracks through the Third and Cargo Way intersection that connect with the peninsula mainline rail tracks. The Port also has commenced construction of the Illinois Street Intermodal Bridge, which will provide direct freight access across Islais Creek to Pier 80 break bulk cargo terminal, and reduce the number of trucks on Third Street. Freight movements through Third and Cargo occur mid day and in the late evening and early morning hours, past housing sites proposed in the Plan for this area. The rail tracks extend south along the existing JPB peninsula corridor, also passing by the Coca-Cola site proposed for housing in the Plan. In addition to freight rail movements, Caltrain has a Strategic Plan to increase the frequency of passenger trains. The DEIR should address this issue and include mitigation measures as necessary. The DEIR also should acknowledge the Illinois Street Intermodal Bridge project. The Port has awarded the contract for the complete design and construction of the first phase of the project, and expects the project to be substantially complete in mid-2006. *(David Beaupre, Senior Waterfront Planner)*

Comment

In regards to the transportation analysis, impacts from the redevelopment on the JPBUP freight rail operations are not identified or addressed in the analysis. Currently the port operates freight service out of the intramobile cargo transfer facility adjacent to Cargo Way.

The port is also in the process of beginning construction on the Illinois Street intramobile bridge, which will provide direct freight rail across the street to pier 80 to the port's freight bulk facility. Freight movements occur mid day, in the late evening, and early 2 morning hours following existing track that runs adjacent to the former Coca-Cola site proposed for housing by a developer.

In addition to freight rail movements, Caltrain has a strategic plan to increase the frequency of passenger trips up and down the peninsula. The Draft EIR analysis should address this, of course, transportation corridor and any impacts on existing and proposed land use activities adjacent to the rail right-of-way. The Draft EIR also should be updated regarding the Illinois Street multi-modal bridge, which is now under construction in the first phase. *(David Beaupre, Senior Waterfront Planner)*

Response

The EIR Final Transportation Report Section 2.4.2 discusses the completion of the Illinois Street Bridge, to connect Cargo Way with Cesar Chavez Street. That facility is assumed in all

of the study's future analysis scenarios. In addition, future impacts on all local and regional passenger transit are assessed as part of the Final Transportation Report. This includes potential impacts to Caltrain, AC Transit, Ferry, Samtrans and Golden Gate Transit. Tables 4-12 through 4-18 of the Final Transportation Report describe the results of the local (MUNI) and Regional (Caltrain, AC Transit, Ferry, Samtrans and Golden Gate Transit) transit analysis. The relocation of the neighborhood Caltrain Station from Paul Avenue to Oakdale Avenue is also included and considered as part of the Final Transportation Report. Existing and future freight truck traffic volumes are included and considered as part of all of the Final Transportation Report's intersection Level of Service analyses. The Project would not directly affect access to rail freight service or limit rail freight operations.

Caltrain has been expanding commuter rail service on the Peninsula line between San Francisco and San Jose. The Redevelopment Plan Amendments would not directly affect the existing right-of-way or future operations. Draft EIR p. III.D-23 notes that the Project would increase ridership on regional transit service, including Caltrain.

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations in the BIT Redevelopment Plan Area, and to make no change in the existing land use designations or the existing Redevelopment Plan in the 126-acre IBIP Redevelopment Plan area. Therefore, development under the Project would not include residential uses along the Third Street frontage of the BIT or IBIP. (Note that residential uses can be approved under existing land use controls, as a Conditional Use in M-1 and M-2 zoning districts.) With the proposed Project, residential and other mixed uses would be permitted on other areas of Third Street. The potential conflicts between land uses are discussed in the Draft EIR, in Section III.B, Land Use and Zoning, pp. III.B16 to III.B-19, under "Third Street Corridor."

State Highways

Comment

Thank you for including the California Department of Transportation (Department) in the environmental review for the above-referenced project. We have reviewed the DEIR and offer the following comments:

Traffic Generation:

According to the DEIR, the project will generate a substantial number of daily vehicle trips (32,926 In/32,927 Out). As specific projects are proposed as components of this overall development, the Department's chief concern will be the traffic impacts of these projects on the State Highway System. Section III. D. Transportation provides only a general overview of traffic impacts, largely on City streets. We would therefore appreciate the opportunity to review the *Bayview Hunters Point Redevelopment Plan EIR Traffic/Transportation Report* referenced on page III.D-25. (Timothy C. Sable, District Branch Chief, IGR/CEQA)

Response

Caltrans will be provided with a copy of the Final Transportation Report (revised January 2006), the basis of the Draft EIR Section III.D, Transportation. In addition to the 15 study intersections assessed, traffic conditions on two mainline freeway segments and nine freeway on and off ramps for I-280 and US 101 were also assessed. Table 4-5 of the Final Transportation Report details the level of service on the freeway segments and ramps. As shown in this table, most freeway segments would operate at LOS D or better for all future scenarios. For US 101 northbound south of I-280, 2025 Base Case and 2025 plus Project conditions would be LOS F. The Project's contribution to LOS F would be considered significant. Rebuilding of freeway capacity at this location was not considered feasible and the Draft EIR Section V.A found this to be a significant and unavoidable effect.

Comment

Any project-related work or traffic control occurring within the State's right of way (ROW) will require an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation and five (5) sets of plans clearing indicating State ROW must be submitted to the address below:

Additional information on permits is available at

<http://www.dot.ca.gov/hq/traffops/devloperserv/permits>.

Should you require further information or have any questions regarding this letter, please call Janine Abernathy at (510) 622-5487. (Timothy C. Sable, District Branch Chief, IGR/CEQA)

Response

Comment noted. All work to occur in the State of California's right of way will require an encroachment permit. For example, an encroachment permit would be necessary for

implementation of the Silver Avenue overcrossing at US 101 as part of the Bayshore Boulevard/Silver Avenue mitigation measure discussed in this Comments and Responses document on p. C&R-105.

VISUAL QUALITY

Candlestick Point Activity Node

Comment

Our office represents the San Francisco Forty-Niners ("49ers"). The purpose of this letter is to transmit the 49ers's comments on the Draft Environmental Impact Report for the Bayview Hunters Point Redevelopment Projects and Zoning ("DEIR").

Response

Comment acknowledged. The proposed Redevelopment Plan Amendments that are assessed in the Draft EIR include the full building envelope of the Stadium Development/Retail Entertainment Center project at Candlestick Point, as permitted in the Candlestick Point Special Use District.

Comment

The DEIR assumes the future development of the Stadium Development/ Retail/Entertainment Center, consistent with Propositions D and F as passed by the San Francisco voters in the June 1997 election ("Stadium/Retail Project"). Through those ballot measures, the San Francisco voters approved the development of a state-of-the-art professional football stadium and retail shopping and entertainment center, and created the Candlestick Point Special Use District.

The DEIR identifies two urban design and visual impacts that are related to the future development of the Stadium/Retail Project: (1) scenic views, and (2) lighting. Based on the lack of precise information about the future Stadium/Retail Project at this time, and even assuming that the description used in the DEIR is correct, the DEIR cannot properly identify these impacts as "significant."

The design of the Stadium/Retail Project is not known at this time. Once the Stadium/Retail Project has been designed, a project-specific environmental impact report will be prepared. That would be the appropriate instrument for the examination of potential environmental impacts of the Stadium/Retail Project. (*James A. Reuben, Reuben & Junius, LLP*)

Comment

According to the DEIR, the Stadium/Retail Project would: (1) obstruct scenic views of the bay looking southwest along Gilman Street, (2) obstruct some scenic views of the shoreline and bay views from residences at St. Francis Bay Condominiums on the southern side of Bayview Hill, and (3) would change the visual character of the Candlestick Point State Recreation Area. (S-9, VI-2). The DEIR states that “no feasible mitigation measures have been identified to reduce the impacts to scenic views of the bay from the Stadium Development Retail/Entertainment Center to a less-than-significant level”. (III.E-33).

The Stadium/Retail Project that was approved by the voters in June 1997 allows construction of a stadium up to 200 feet in height. The exact height and design is unknown, and majority of details about the retail component is unsettled. On that basis alone, it is premature to conclude what, if any, scenic views the Stadium/Retail Project would obstruct. (*James A. Reuben, Reuben & Junius, LLP*)

Response

The Candlestick Point Special Use District allows a building envelope of the size described in the Draft EIR. As the purpose of the environmental review is to disclose possible environmental effects due to development in the proposed Redevelopment Plan areas, the Draft EIR uses a conservative approach that assumes that future development in the Candlestick Point area could occur at the maximum allowable envelope. This approach is used in this portion of the proposed Bayview Hunters Point Redevelopment Plan area, because the possible future development of the Candlestick Point area is the development proposal that was legislated in the 1997 ballot measure (Proposition F). Proposition F changed the City’s Planning Code and set a maximum development envelope for the Stadium Development Retail/Entertainment Center project (Stadium/Retail project) at Candlestick Point. The Draft EIR assumes the 1997 ballot measure as approved by San Francisco voters and discloses environmental effects arising from the construction of the maximum development envelope. The ballot measure itself is not the subject of the current environmental review, but rather, the potential physical land use impact of the Stadium/Retail project. At this time, the City has not received a different proposal for use of the area and the 49ers could pursue entitlements for a project that fills the full building envelope.

Based on this maximum development envelope, the Stadium/Retail project could have the effects identified in the Draft EIR. At the time a specific Stadium/Retail project is proposed,

further project-level environmental review would be conducted. To the extent that the full development envelope is not utilized, the specific project may have lesser adverse environmental effects than the hypothetical maximum development assessed in this Draft EIR.

Comment

Moreover, in Bowman v. City of Berkeley, the court opined that the intent of CEQA is not to require an EIR where the sole environmental impact is the aesthetic merit of a building in a highly developed area. ((2004) 122 Cal. App. 4th 572, 592). The court continued that to hold “otherwise would mean that an EIR would be required for every urban building project that is not exempt under CEQA if enough people could be marshaled to complain about how it will look”. (Id.)

In fact, we know of no previous instance where the effect on a private view (*i.e.* St. Francis Bay Condominiums) has been determined to be a significant impact in an EIR for a San Francisco project. As currently written, the DEIR stands the public interest in views on its head by determining, for the first time we know of, that Recreation and Park Department property mars views from private property. (*James A. Reuben, Reuben & Junius, LLP*)

Response

It is acknowledged that changes in views from private property are not typically found to be significant adverse visual quality effects in San Francisco CEQA documents. The Draft EIR found these visual quality effects to be significant on the basis that views across to the Candlestick site to the Candlestick Point State Recreation Area and the Bay would be a substantial adverse change in views of major public open space, both from other nearby public open space, such as Bayview Hill, west of Candlestick Park, and from existing private development, such as the St. Francis Bay residential buildings. Those changes would differ from views of infill development in a fully urbanized context. Therefore, the Draft EIR conservatively concluded that changes in the Candlestick Point Activity Node would have significant adverse visual impacts.

Page III.E-33, second paragraph of the Draft EIR has been revised to read:

The Stadium Development Retail/Entertainment Center would have the greatest visual impact on short-range views. The new stadium would obstruct scenic views of the Bay looking southeast along Gilman Street. The new mall would block some shoreline and bay views from residences at the St. Francis Bay Condominiums on the southern side of Bayview Hill and from Bayview Hill, open space owned by the Recreation and Park

Department. The new mall would also change the visual character of the Candlestick Point State Recreation Area, as a portion of the park would be used for parking. These changes to views (except the private views from St. Francis Bay Condominiums) are considered significant, unavoidable visual impacts to scenic views of the Bay. No feasible mitigation measures have been identified to reduce the impacts to scenic views of the bay from the Stadium Development Retail/Entertainment Center to a less-than-significant level. It is acknowledged that the Stadium Development Retail/Entertainment Center would be subject to further project-level design and environmental review. That review may further consider visual effects.

The other short range views, however, including scenic views of the bay from Gilman Street and the visual character of the Candlestick Point State Recreation Area, are views from public rights-of-way and would be considered significant effects under CEQA guidelines. The Draft EIR correctly assesses the effects on such short range public views.

Comment

According to the DEIR, a new source of light from the retail component of the future Stadium/Retail Project could adversely affect adjacent properties, and is considered in the DEIR to be a significant and unavoidable impact. (S-6). A mitigation measure No. 7 was identified as capable of reducing the lighting impact of the retail component to a less-than-significant level. (S-34, III.E-34 and IV-4).

As already discussed, the Stadium/Retail Project has not yet been designed, so it is impossible to state whether new light from the mall component could adversely affect adjacent properties. Thus, any conclusions as to the significance of a potential impact caused by the Stadium/Retail Project are untimely and must be examined under a project-specific EIR. (*James A. Reuben, Reuben & Junius, LLP*)

Response

The proposed Stadium Development Retail/Entertainment Center project (Stadium/Retail project) would likely have light emanating from it. The lighting analysis evaluates the increase in lighting associated with the Stadium/Retail project, including light from the stadium component, and light from the retail. Accordingly, this new light source is correctly identified in the Draft EIR as a significant impact. However, a Mitigation Measure has been identified which would reduce the impact to a less-than-significant level, when the specific Stadium/Retail project is proposed. The Draft EIR includes design considerations that would need to be incorporated into the project that would mitigate the environmental effect to a less-than-significant level.

Comment

The overwhelming size and character of the Stadium / Entertainment and Retail complex imposes a burden and an obstacle on this design and detracts from the stated purpose of Redevelopments proposed action.

It will dominate the entire area visually and requires the amendment of the General Plan, the Planning Code and the zoning map. (*Kevyn Lutton*)

Response

The Stadium Development Retail/Entertainment Center project (Stadium/Retail project) is already included in the Planning Code and *General Plan*, as amended by the approved 1997 ballot measure. The Draft EIR discloses the likely environmental effects of this development, if it were to be built, including some impacts that are conservatively concluded to be significant and cannot currently be mitigated to less-than-significant levels. It is acknowledged that the Stadium/Retail project would be subject to further project-level design and environmental review. That review may further consider visual effects.

Oakinba Activity Node

Comment

I also think the visual qualities are not addressed. Right now I really enjoy the area of Bernal Heights. I like when I drive on Bayshore I can see the hillside. I won't be able to see them if there's a corridor of giant three-story shops with car garages. I really feel this zoning is inappropriate for this area. I feel that, if there needs to be some kind of zoning like this, it should be placed in a different part of the neighborhood where the streets are wide and the peninsula topography is flat. I think that's all. (*Nick Griffin*)

Response

The overall visual effects of development in the Oakinba Activity Node, including effects due to the development along the Bayshore Boulevard corridor have been assessed in the Draft EIR (pp. III.E-10 to III.E-13, and p. III.E-28). The Draft EIR correctly concludes that while some long range views would be obstructed, the effects would only be visible from a few locations and most views would remain.

AIR QUALITY

Comment

The plan restates an optimistic assumption that in 20 years the extra pollution burden generated by the projects traffic will not violate federal or state CO standards, this in spite of the worsening of localized CO hot spots stagnation points in heavily congested roadways and intersections. Is that good enough for present residents who have born the environmental injustice of several polluting industries whose toxic emissions has sickened generations of our residents? The plan leads one to question whether this plan assumes that the current population of long time residents will have been driven away by intolerable pollution derived sickness and poverty by the time Redevelopment's Project actually becomes a reality? (*Kevyn Lutton*)

Comment

Air Contaminants Resulting From Traffic

Because we think the traffic congestion has been understated in this DEIR, we think that the air contaminant numbers may also be understated. Cars which are idling because of traffic congestion contribute a higher level of air contaminants than cars in free flowing traffic. So once the traffic numbers are adjusted, we think the air contaminant numbers will also need to be re-evaluated. (*Viola Morris and Barbara Kyle, Bernal Heights Neighborhood Center*)

Response

The Draft EIR assessment is based on established methodology and standards of the Bay Area Air Quality Management District (BAAQMD) and provides a conservative assessment of air quality in the Project Area (p. III.H-15). As described in detail in the Draft EIR (Section III.H), the BAAQMD have set stringent requirements to improve air quality in the region and have based their methodology on mandated improvements in vehicle and stationary source emissions. CO air quality estimates are based on Level of Service conditions based on the projected traffic conditions, including congested traffic patterns in the area and project-related levels do not exceed threshold standards at any intersection (pp. III.H-16 to III.H-21). Also, no threshold air emission standards were exceeded at additional intersections adjacent to the proposed Home Depot site in that project-specific EIR.

NOISE

Comment

The failure to establish adequate buffers will, for example, subject existing PDR businesses to claims of nuisance based on currently acceptable noise generation. Current acceptable noise levels at property line for PDRs is 70 dBA (Draft EIR Page H1.1-8) Acceptable noise level at the property line for residential use is between 50 and 60 dBA (Draft EIR Page H1.1-7). "Noise level, which exceeds the ambient noise level by 5 dBA or more, as measured at an affected receptor's property line, is deemed a prima facie violation of the Ordinance." (EIR Page H1.1-7) Placing a residential user next to a PDR user creates a conflict of acceptable noise levels. Action must be taken to create buffer between noise and receptors (Draft EIR Page IH.I-15) This is not the currently proposed action in the BIT. (Draft EIR Page III.B-17) *(Mark Klaiman)*

Response

Production, Distribution, and Repair (PDR) designations are not uniform, and the Planning Department, in its Eastern Neighborhoods Rezoning project, has characterized different types of PDR activities and developed a set of associated zoning districts. The different designations are based, in part, on the levels of noise generated. While there would be some PDRs that would generate noise levels of 70 dBA or more and are considered to be "core" PDR uses that would not be adjacent to residential uses, there are other PDR uses considered to be "light" PDR that would generate noise levels of 65 dBA or less. Such light PDR uses are included in the Planning Department designations for its mixed-use zones along Third Street and for the buffer districts to be introduced where industry and housing currently come into close proximity with each other. No housing development would be allowed in the designated "Core" PDR areas, thereby reducing the risk of new residential-industrial conflicts.

The third full paragraph of Draft EIR p. III.I-15 has been revised:

The future ambient exterior noise levels with Project-related traffic noise would range from about 65 dBA to 75 dBA Ldn. The interior noise levels would be about 15 dBA less than exterior levels with windows open and 25 dBA less with windows closed. The exterior noise levels could be annoying to some residents along relatively noisy streets like Third Street, Bayshore Boulevard, or Cesar Chavez Street; the level of annoyance would depend on a number of factors, including whether or not the buildings in the affected residential areas contain sufficient noise insulation. The Project would mainly rezone existing industrial land uses to new PDR zoning designations that would create distinct industrial areas and residential uses mixed with

commercial and PDR uses along the Third Street corridor. These land uses would not differ with existing land uses with respect to ambient noises. Stationary noise sources from industrial activities would be located near sensitive receptors. The rezoning would, however, create a buffer or transition zone between those industrial uses and residents by placing light PDR zones (i.e., those that would generate noise levels of 65 dBA or less) between heavy PDR zones (i.e., those that would generate noise levels of 70 dBA or more) and residential and other sensitive receptors. While exterior noise levels may increase and result in associated interior noise level increases, these increases would not be of the magnitude to substantially alter the exterior noise environment and would cause a less-than-significant impact.

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations or the existing Redevelopment Plan in the 126-acre IBIP Redevelopment Plan area. Therefore, development under the Project would not include residential uses along the Third Street frontage. With the proposed Project, residential and other mixed uses would be permitted on other areas of Third Street. The land use compatibility effects of such changes are discussed in the Draft EIR, in Section III.B, Land Use and Zoning, pp. III.B-16 to III.B-19, under "Third Street Corridor."

CULTURAL RESOURCES

Comment

On December 1, 2004, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the Bayview Hunters Point Redevelopment Projects and Rezoning Plan dated October 19, 2004. After discussion, the Board arrived at the comments below.

The discussion of historical resources appears to be based solely on a "windshield survey" that is, a cursory visual examination of existing buildings. However, without adequate contextual background information, no meaningful assessment can be made of these buildings. In order to serve the purpose of a programmatic EIR for this area, further research should be provided for both residential and commercial/industrial contexts. This is particularly appropriate for a broad programmatic EIR such as this.

Regarding historic residential contexts, the roles of the several Homestead Associations that were early developers in the area must be understood. Regarding commercial/industrial contexts, the various industries historically present in the area should be investigated for their importance to the local, regional, or national economy—as well as their importance as employers of local workers, and the social histories of those workers. Without such information, the historic significance of the remaining buildings cannot be adequately understood. (*Tim Kelley, President Landmarks Preservation Advisory Board*)

Response

The Draft EIR evaluates the likely environmental effects of the proposed Redevelopment Plan Amendments on historic resources and identifies the extent of such effects that would arise from anticipated redevelopment plan activities. The Draft EIR analysis of historic architectural resources was prepared by Carey & Co., in *Bayview Hunters Point Redevelopment Plan EIR, Historic Resources Survey and Evaluation*, April 2004, as cited on Draft EIR Section III.J, Cultural Resources, p. III.J-41. The Carey report reviewed background material for the proposed redevelopment area, conducted a reconnaissance survey to evaluate potential effects on historic resources, rated potential resources according to National Register of Historic Places criteria, and recommended mitigation measures for potential adverse effects.

Redevelopment of the Bayview Hunters Point area would consist of new construction on available vacant and underutilized sites, while existing structures would be rehabilitated if feasible. No specific development proposals are included and removal of historic structures is not foreseen at this time. Any proposed development would follow Planning Department CEQA review procedures for Historic Resources and under these procedures, projects that potentially impact properties that require further consultation and review for historic resources, would be evaluated by the Planning Department staff to determine whether the property is a historical resource. New construction or alteration of historic resources could adversely affect a historic resource. Such activities done in a manner that complies with the *Secretary of Interior's Standards for the Treatment of Historic Properties* would avoid significant adverse impacts that may occur to historic resources undergoing alteration. Also, undertaking construction activities in a manner that protects nearby historic resources would avoid significant impacts to historic resources near construction work. The Draft EIR includes Mitigation Measures 15 through 16, pp. IV-14 to IV-16, that would either avoid the adverse effect of these activities or reduce them to a less-than-significant level.

To clarify the text of the Draft EIR with regards to cultural resources, the following text in the cultural resources and mitigation measures sections has been revised as follows:

The first full sentence on Draft EIR p. III.J-37, has been revised to read as follows:

This would be considered a potentially significant impact, however, the Project includes no specific development proposals and no removal of structures are foreseen at this time. Further project-level CEQA review would be undertaken in the event of such proposals. In the course of rehabilitation of structures, activities that would cause historic resources to be materially impaired, would be considered a potentially significant impact (see Mitigation Measure 1215).

The following text has been added under, “Affordable Housing Program,” on Draft EIR p. III.J-38:

Construction activities from the Affordable Housing Program directed toward any of the properties assigned a status code of “3”, “4” or “5” (or locally designated landmarks) requiring demolition, relocation, or substantial alterations to the structure or its immediate surrounding, such that the structure’s historic significance would be materially impaired, would be a significant effect on the environment. However, the Project includes no specific development proposals and the removal of structures are not anticipated at this time. Further project-level CEQA review would be undertaken in the event of such proposals. In the course of rehabilitation of structures, activities that would cause historic resources to be materially impaired, would be considered a potentially significant impact. (see Mitigation Measure 15).

On Draft EIR pp. IV-14 to IV-15, Mitigation Measure 15, Section A has been deleted because this section only pertains to the removal of historic resources, which are not anticipated at this time.

Comment

For example, if we look at the area, we need to give some historical relevance to the French, to the Maltese, to the Samoans, to the Chinese, to the Germans who played an important role in the southeast sector which is known to us as the Bayview Hunters Point.

We see very little reference made in the Draft Environmental Impact Report. When it comes to the African-Americans, we have a line or two. This is wrong. We all know that after World War II and a little before it and much after it, African-Americans played and contributed a lot to the Bayview Hunters Point. (*Francisco Da Costa*)

Response

The comment is acknowledged. The commentor is correct in that the Draft EIR does not extensively discuss the history of ethnic groups in the Bayview Hunters Point Area, including

the history of those ethnic groups referred to by the commentor. However, CEQA does not require the Draft EIR to present an extensive discussion, but to introduce a general setting by which information with regards to cultural and historic resources can be drawn. Furthermore, the Draft EIR acknowledges that, "According to pre-1900 census information, Bayview Hunters Point was one of the more racially integrated areas of the City." Following this discussion, the Draft EIR includes information regarding African-American and Chinese-Americans in and around San Francisco during the post-WWII period. Pages III.J-3 through III.J-6 of the Draft EIR present the historic period of the Bayview Hunters Point area.

HAZARDS AND HAZARDOUS MATERIALS

Comment

Thank you for the opportunity to comment on the *Bayview Hunters Point Redevelopment Projects and Rezoning Draft Environmental Impact Report (EIR)*, October 2004, SCH# 2003062094. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation activities which may be required to address any hazardous substances release. The project consists of a series of actions and programs to foster public and private investment and development in the Bayview Hunters Point Area.

In June 2003, DTSC completed remediation (to residential standards) of the former Bay Area Drum Site at 1212 Thomas Avenue, located in the proposed South Basin Activity Node. During the course of the remedial investigation, contamination above drinking water standards was detected in the groundwater in this area. The groundwater in this area is not used for drinking water, and is not considered to be a potential source of drinking water; however, DTSC is planning to investigate other possible sources of the groundwater contamination (primarily the volatile organic compound tetrachloroethylene or PCE) in the area.

If you have any questions regarding this letter, please contact Bill Brown of my staff at (510)540-3841. (*Karen M. Toth, P.E., Unit Chief, Northern California - Coastal Cleanup Operations Branch*)

Response

As discussed on pp. III.K-30 through III.K-47, development projects in the Bayview Hunters Point area would be subject to all applicable laws and regulations regarding hazards and

hazardous materials. The status of the Bay Area Drum Site is noted in Draft EIR Appendix C, Table C-4. Remedial activity undertaken as part of a development project would need to comply with hazardous waste management laws and regulations administered by the DTSC, as well as with other applicable laws and regulations administered by the State Regional Water Quality Control Board and other regulatory agencies.

HYDROLOGY AND WATER QUALITY

Comment

Hydrology and Water Quality

The discussion on the bottom of page III.M-12 describes the listing of Islais Creek as an impaired water body. Please indicate that the listing applies only to that portion of Islais Creek west of Third Street Bridge.

Comment

The report describes regulatory requirements for areas of the Port draining to separate storm sewer systems. It would be useful if Figure III.M-1 showed those areas. The discussion of drainage to Islais Creek should be amended to indicate three storm water outfalls east of Third Street Bridge conveying discharges from Piers 90 and 92. Note that all storm water runoff within Port jurisdiction east of Cargo Way and south of Islais Creek discharges directly to the Bay.

Comment

Page III.M-37 of the DEIR states that runoff to separate storm sewers within the study area flows directly to the Bay without treatment. To the extent the analysis considers storm water runoff from Port property, it should indicate that a significant quantity of runoff from the Port in areas south of Islais Creek is either treated or recycled. Port staff can provide you with details regarding specific structural storm water controls that are currently in place or under construction, as well as a map of the Port's storm water collection system for areas south of Islais Creek. (*David Beaupre, Senior Waterfront Planner*)

Response

Draft EIR Section III.M, Hydrology and Water Quality, discusses existing conditions and potential effects on water quality, including Islais Creek. Figure III.M-1, Water Features and Drainage Features, p. III.M-2, shows existing outfalls within the Project boundaries near Islais Creek. Additional outfalls on Port property adjacent to the Project boundaries are not

illustrated. The Draft EIR addresses existing drainage and outfall facilities on Islais Creek on p. III.M-3. That description includes outfalls on Port property:

“Currently, surface inflow to Islais Creek Channel occurs during the rainy season from treated wastewater discharged from the combined sewer system through the Quint Street outfall and four combined sewer outfall (CSO) structures along the creek channel, as well as from direct stormwater runoff from areas adjacent to the creek.”

The Draft EIR discusses potential drainage, treatment, and water quality conditions in detail on pp. III.M-5 to III.M-43, and notes that most stormwater drainage is subject to treatment. In compliance with various federal and state permits, the City’s wastewater system is designed for an average of ten overflow events per year at Islais Creek, as noted on pp. III.M-6 and 10. The information and conclusions in the Draft EIR are consistent with the comments above, that the Port’s drainage facilities do not contribute to adverse effects on water quality in Islais Creek.

CUMULATIVE ANALYSIS

Comment

Our understanding of the DEIR cumulative impact analysis is that it includes an evaluation of transportation, air quality and other impacts from development activities within the BVHP Plan area as well as surrounding areas, including potential future development of the Pier 90-94 Backlands. We would appreciate an opportunity to meet with you further to better understand some of the technical details and assumptions that were incorporated into this analysis. *(David Beaupre, Senior Waterfront Planner)*

Response

The Draft EIR considers land use changes and projected growth with Project conditions, and for cumulative conditions, consistent with CEQA requirements. The Draft EIR projected the amount of new development that would result from the Bayview Hunters Point (BVHP) Redevelopment Plan by considering the proposed rezoning as part of the BVHP Redevelopment Plan, along with future population and employment forecasts for San Francisco and the region, as prepared by the Planning Department and the Association of Bay Area Governments (ABAG). The Draft EIR analysis assumes the zoning proposed in the

Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Workbook) (published by the San Francisco Planning Department in February 2003). The Eastern Neighborhoods Rezoning project proposed three rezoning alternatives for the Bayview Hunters Point area. The Draft EIR examined the effects of the alternative that would create the most change from existing conditions. In addition, the Draft EIR evaluated two alternatives, the No Project Alternative and the Zoning Option B Alternative (the moderate housing option) from *Workbook*. The BVHP Redevelopment Plan is an urban infill project, and it is the experience of the Planning Department that urban rezoning projects of this nature will not result in the maximum development that the rezoning will allow on every undeveloped or underdeveloped lot. The anticipated nature and amount of development assumed in the Draft EIR takes into account the proposed rezoning; the amount of development that would be expected to occur based on land available in the area for infill development; projected employment growth; and projected housing demand in San Francisco. The growth and housing projections used in the Draft EIR to evaluate Project and cumulative level are: employment, housing and population; transportation; and public services and utilities as appropriate. Agency staff and Planning Department staff prepared the cumulative growth forecasts methodology, and other land use projections methodology used in the Draft EIR analyses.⁵

Comment

CEQA is primarily a public disclosure statutory scheme allowing the affected community to be informed and members of the public to voice their opinion, and to have input, about projects that may affect their environment. CEQA requires a review of the environmental impacts of overall activities (“the whole of an action” – 14 Cal. Code Regs. § 15378(a)) defined as “projects.” (Pub. Res. Code § 21065.) This strong, broad right of public participation under CEQA has a political component

(*i.e.*, CEQA allows the compilation of a record concerning the approval of development projects that can be used by the public to vote environmentally insensitive decision makers out of office come election day), the violation or deprivation of which has constitutional ramifications on an affected community as well as the public at large.

Additionally, in mandating separate project areas for the BVHP community and the redevelopment of the shipyard (Parcels A- F), CCSF and SFRA as the lead agency under

⁵ A summary of the cumulative growth forecasts methodology, and other land use projections methodology used in the Draft EIR analyses is found in Bayview Hunters Point Redevelopment Projects and Rezoning Land Use Forecast Methodology, December 2005.

CEQA, is “piecemealing” the overall activity. CEQA strongly forbids this kind of “chopping up [of] a proposed project into bite-size pieces which, individually considered, might be found to have no significance on the environment.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716, citing *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171, 1172; see also *Bozung v. LAFCO* (1975) 13 Cal.3d at 283-284; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.) (*Lynne Brown*)

Response

The San Francisco Board of Supervisors designated the Bayview Hunters Point Survey Area in 1995. This included land in the City east of US 101 and south of Cesar Chavez Street, except for the existing Redevelopment Plan Areas of Hunters Point (HP), India Basin Industrial Park (IBIP), Bayview Industrial Triangle (BIT), and Hunters Point Shipyard, and directed the Agency to study the feasibility of redevelopment activities in the Survey Area. The existing Redevelopment Plan Areas were excluded from the Survey Area because the Agency was already implementing redevelopment activities in these areas.

Hunters Point Shoreline Activity Node

Comment

B. The Cumulative Impact Analysis Is Flawed Because It Omits Our Client’s Project, Which Was “Reasonable and Practical” To Include.

As noted above, an application for the Harbor Village Project was submitted on October 20, 2004. Moreover, the Agency staff were well aware of this pending application for several months prior to the publication of the Draft EIR. Since the proposed Harbor Village Project is within the area covered by the redevelopment plan project, the Harbor Village Project could be considered a significant change to the redevelopment plan project description. Even if for some reason the Harbor Village Project is not considered part of the redevelopment project, the Harbor Village Project would be considered to be significant new information or a significant change of circumstances which must be considered in the EIR’s cumulative impact analysis prior to the certification of any Final EIR.

Cumulative impact analyses are legally deficient (1) when they omit projects that it was “reasonable and practical” to include, and (2) when the analysis understates “the severity and significance of the cumulative impacts.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74-77.)

In this case, the Draft EIR is flawed because even if the additional level of development proposed by our client (over and above that permitted under the existing Planning Code) for some reason is not required to be considered part of the Project Description, it must be assessed as a cumulative impact. Given that the environmental review application has been

filed, it is “reasonable and practical” to include our client’s project in the cumulative analyses discussions prior to certification of a Final EIR. Since our client’s project substantially exceeds the projected growth (through 2025) for the entire HP Shoreline Node, this additional cumulative growth must be identified in the cumulative impacts analyses and must be factored into the cumulative impacts where relevant, which includes at a minimum the transportation and air quality sections. *(Steve Atkinson, Steefel, Levitt & Weiss)*

Response

Please refer to the Response to Comment on pp. C&R-32 to C&R-35, with regards to growth forecast and the East India Basin, LLC (EIB) project.

Furthermore, the Draft EIR considers land use changes and projected growth with Project conditions, and for cumulative conditions, consistent with CEQA requirements. The Draft EIR projected the amount of new development that would result from the Bayview Hunters Point (BVHP) Redevelopment Plan by considering the proposed rezoning as part of the BVHP Redevelopment Plan, along with future population and employment forecasts for San Francisco and the region, as prepared by the Planning Department and the Association of Bay Area Governments (ABAG). The Draft EIR analysis assumes the zoning proposed in the *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook (Workbook)* (published by the San Francisco Planning Department in February 2003). The Eastern Neighborhoods Rezoning project proposed three rezoning alternatives for the Bayview Hunters Point area. The Draft EIR examined the effects of the alternative that would create the most change from existing conditions. In addition, the Draft EIR evaluated two alternatives, the No Project Alternative and the Zoning Option B Alternative (the moderate housing option) from the *Workbook*. The BVHP Redevelopment Plan is an urban infill project, and it is the experience of the Planning Department that urban rezoning projects of this nature will not result in the maximum development that the rezoning will allow on every un-developed or underdeveloped lot. The anticipated nature and amount of development assumed in the Draft EIR takes into account the proposed rezoning; the amount of development that would be expected to occur based on land available in the area for infill development; projected employment growth; and projected housing demand in San Francisco. The growth and housing projections used in the Draft EIR to evaluate Project and cumulative level are:

employment, housing and population; transportation; and public services and utilities as appropriate.⁶

ALTERNATIVES

Comment

This option narrows the large commercial zone so that all parts of it touch Bayshore Boulevard. And it results in reduced adverse impacts.

What would be the result of a shift in the Bayshore corridor from a “large commercial” designation to a home improvement district overlay WITHOUT THE FOCUS ON VERY LARGE RETAIL ESTABLISHMENTS. This area has many home improvement resources, most of which are locally owned businesses. If it was strengthened as such in the redevelopment process, i.e. resources were brought to bear to strengthen and publicize the availability of home improvement resources, this could be of economic benefit to Bayview Hunters Point as well as other neighborhoods. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

Given the Bayshore corridor’s location to other places in the City and its accessibility from highways and major arterials, the Planning Department has determined that a mix of commercial and industrial activities, similar to the area’s current pattern, could be appropriate for the corridor. The M-1 zone allows large commercial projects without special approvals. The rezoning, in combination with Planning Code 121.6, would require a Conditional Use for any project over 40,000 square feet, a slightly more restrictive zoning that is currently in place for retail use.

For further information concerning regional retail, please refer to the response to comments regarding regional retail, p. C&R-47 to C&R-49.

The zoning by itself would not determine the specific mix of businesses in the Bayview Hunters Point (BVHP) Redevelopment Plan area, as the proposed BVHP Redevelopment Plan calls for the Agency to create development programs for coordinated economic development and investment in the various activity nodes, including the Bayshore corridor area. The

⁶ A summary of the cumulative growth forecasts methodology, and other land use projections methodology used in the Draft EIR analyses is found in Bayview Hunters Point Redevelopment Projects and Rezoning Land Use Forecast Methodology, December 2005.

proposed BVHP Redevelopment Plan identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba Activity Node, and calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the proposed BVHP Redevelopment Plan, the Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights, in creating the Oakinba development program. The development program will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics.

Comment

The large retail/big box businesses have one dominant factor – HUGE parking lots, national advertising and waves of customers at a time when they can take over an area. What other model would provide economic growth while minimizing the traffic and parking impacts? This could be a much more environmentally beneficial alternative. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

The proposed Bayview Hunters Point (BVHP) Redevelopment Plan identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba Activity Node, and the proposed Redevelopment Plan Amendment calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the proposed BVHP Redevelopment Plan Amendment, the Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights, in creating the Oakinba development program. The development program will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics.

For information concerning regional retail, please refer to the response to comments regarding retail, pp. C&R-47 to C&R-49.

Comment

...I think where mediation is possible, and I would be interested in seeing — there was mention of whether or not some of the remediations in regards to traffic were contained in this

EIR as opposed to the EIR that was produced for Home Depot. It would be interesting to see if — there should be a similarity between those two.

So that was one thing that struck me that we may want to look at... (*Commissioner Antonini*)

Response

The Home Depot project is evaluated in a site-specific assessment of traffic and circulation in the project-level EIR prepared on the proposed Home Depot project, rather than in this program-level EIR. From a general traffic and circulation standpoint, the Bayview Hunters Point Draft EIR discloses the issues relative to general traffic movement along the Bayshore corridor. Project-specific effects at the proposed Home Depot site or at other specific development sites are not included in this Draft EIR.

The proposed Bayview Hunters Point (BVHP) Redevelopment Plan does call for the Agency to create development programs for coordinated economic development and investment in the various activity nodes, including the Bayshore corridor area. The proposed BVHP Redevelopment Plan identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba Activity Node, and calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the proposed BVHP Redevelopment Plan, the Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights, in creating the Oakinba development program. The development program will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics.

For further information concerning regional retail, please refer to the response to comments regarding retail, pp. C&R-47 to C&R-49.

COMMENTS ON THE PROJECT

Comment

In 2003 there was a community meeting at the Community College on this Redevelopment area which was conducted by the Agency and the PAC. At that meeting questions were raised about why the Agency had NEVER done any outreach to inform people in Bernal Heights about the proposals for Bayshore, which is their common boundary. And issues regarding Cortland, which is the ONLY access to Bernal Heights from the east. This flaw in the notice

process – which should have been corrected by Agency staff – was not corrected, but exacerbated.

People signed in at that meeting. The Agency clearly has a list of persons in Bernal Heights who are concerned about the Bayshore corridor. Why was there no effort to inform people who were CLEARLY interested in being informed? This is not in the spirit (or requirement) of CEQA. (*Sue C. Hestor, Attorney for Cole Hardware*)

Response

Please refer to the Response on pp. C&R-19 and C&R-20 with regards to the noticing process.

Furthermore, please note that the Bayview Hunters Point Redevelopment Plan Amendment identifies the Cortland Avenue portion of the Bayshore corridor as part of the Oakinba Activity Node, and the proposed Bayview Hunters Point Redevelopment Plan Amendment calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the Bayview Hunters Point Redevelopment Plan, the Agency will be required to seek input from adjacent neighborhoods such as Bernal Heights, in creating the Oakinba development program.

Comment

2. We request the following be corrected: Figure III.B-1 incorrectly shows a portion of the 200 Paul site & 1755 Egbert site as “Vacant/Right-of-way”. This must be corrected to “Industrial”. There is no part of the 200 Paul site that is vacant and available for future right-of-way. (*Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC*)

Response

Comment noted. As identified on Figure III.B-1, p. III.B-2, the figure illustrates “generalized land uses” and as the note states “land uses on this figure are generalized and may not be accurate at a parcel by parcel level.” The EIR analysis addresses general land uses in the Project Area and accuracy at the parcel level is not required to maintain the accuracy of the environmental analysis. Thus, no change to the figure will be made.

Comments

3. Question: The EIR states that the development standards for any site in the 1,438 acres that are being added to the existing Bayview Hunters Point Redevelopment Plan Area would be controlled by the SF Planning Code as it exists at the time of a development application.

Please confirm that there would not be any special layers of review or land use restrictions imposed by the SFRA. (*Steve Kundich, AIA, Director of Design & Construction, Digital Realty Trust, LLC*) and (*Steve Kundich, AIA, Director of Design & Construction, 400 Paul Wave Exchange, LLC*)

Response

As stated in the proposed Bayview Hunters Point (BVHP) Redevelopment Plan Amendment, the Planning Code would apply to all properties in Project Area B, the area that would be added to the existing Hunters Point (HP) Redevelopment Plan Area through the BVHP Redevelopment Plan Amendment. In applying the Planning Code, findings of consistency with the *General Plan* and the Redevelopment Plan must be made. Also, pursuant to the Redevelopment Plan Amendment, future development proposals will be reviewed by the PAC or, if the PAC no longer exists, by an appropriate BVHP citizen's advisory committee. Development proposals would be subject to applicable Planning Code rules and regulations and any supplemental design guidelines or other land regulating documents adopted by the Planning Commission.

Comment

9. Question: Is a copy of a blight survey available for the 1,438 acres added Project area? (*Steve Kundich, AIA, Director of Design & Construction, 400 Paul Wave Exchange, LLC*)

Response

The blight survey is included in the Preliminary Report to the Board on the Draft Bayview Hunters Point (BVHP) Redevelopment Plan. The blight survey includes information on the existing physical condition of properties in the proposed Redevelopment Plan Areas, and focuses on particular indicators of physical and economic blight as called for in the state Community Redevelopment Law (CRL).

The Preliminary Report is a separate document from the Draft EIR that is required under the CRL, rather than under CEQA. This report will be presented to Agency and City decision makers along with the EIR as supplemental documents to the proposed Redevelopment Plan Amendments. Copies of the Preliminary Report (published on December 21, 2005) are available at the Agency, and the commentor has been mailed a copy.

Comment

Who is this Plan supposed to benefit? (*Kevyn Lutton*)

Response

The proposed Bayview Hunters Point (BVHP) Redevelopment Plan is intended to benefit the residents and businesses in Bayview Hunters Point as a whole and in particular, the very low-, low-, and moderate-income residents in the community. As described in Chapter II, Project Description of the Draft EIR, the plan objectives call for the Agency to endeavor to include all residents in the revitalization of the community. The proposed BVHP Redevelopment Plan Amendment will address physical and economic blight through facilitating new development and, as stated in the Project objectives (Section II.B, pp. II-9 to II-11), provide the benefits of the new development for property and business owners and residents of Bayview Hunters Point. As described in the BVHP Redevelopment Plan, the focus of Agency activity is to facilitate the construction of affordable housing; to promote local small business development, entrepreneurship and employment; and to assist in the creation of community enhancements to improve streetscapes and other physical elements that define community character.

Comment

No one's come to us in Bernal and explained to us the zoning change. We look at this document and go what's going on.

I'm not here to tell you to reject the DEIR. I'm just here to register concerns. Again, I don't want to hold up the entire process as it moves forward in years of work, but I think we in Bernal deserve to be communicated with on something that's going to impact us greatly. (*Ron Morgan*)

Response

Regarding the rezoning proposal, the Planning Department has been working on its Eastern Neighborhoods Rezoning project since 2001. The Planning Department has conducted a number of meetings related to this rezoning project and the Agency has formulated several alternative zoning changes as a result of these meetings. The Draft EIR evaluates two of the zoning alternatives, the Agency preferred alternative (i.e., the Project) and another alternative (i.e., Zoning Option B Alternative). The Draft EIR provides information to the decision

makers and the public about the environmental effects of the proposals. Following certification of the Final EIR, the Planning Commission will hold public hearings on the Eastern Neighborhoods Rezoning proposals that pertain to the Project Area.

Comment

So I'm here to say that I want to pass the EIR because it is the first step in approving in our – our project area committee a redevelopment plan... *(Angelo King)*

Comment

It is not right to allow an 11th hour on the 11th day after a seven-year process involving all this effort to allow this project to become derailed by these last-minute objections, objections that could have been heard and dealt with a long time ago... *(Michael Hammond)*

Comment

It's not fair, it's not right for one group of elite people on the hill to deny us of the right to develop in the way that we see is in our best interests. We urge you to allow this plan to go forward, to allow these jobs to be created, to provide for the economic opportunity that is so desperately needed in our neighborhood... *(Michael Hammond)*

Comment

So, please, we need you to move forward on this plan, no more delay. Thank you. *(Linda Richardson)*

Response

The completion of the Redevelopment Plan Amendment process requires the completion of many steps pursuant to state and City regulations. As required by City procedures, pursuant to CEQA, environmental review of the project must be completed before a proposed project can be considered by decision makers. Completion of environmental review includes the publication of a Draft EIR, public comment on the adequacy of the Draft EIR, publication of responses to comments received (such as this document), and certification of the Final EIR. Following certification of the Final EIR, Agency and City staff will schedule public hearings on the proposed Redevelopment Plan Amendments.

Comment

I know that especially the folks from the Bayview pack [PAC] feel that people in Burl [Bernal] are holding up the plan and this is coming at the last minute. I consider myself well informed about these things and I didn't realize such a huge redevelopment plan was on the way. If I had realized earlier the kinds of effects it had on my neighborhood, I would have been more involved. Since we are having public hearings, it's not too late to try to address the issues. I feel what the development of this building will usher in is just inappropriate and unsustainable. I urge you to take the steps needed to look more closely at this particular area. Thank you.
(Nick Griffin)

Response

The proposed Redevelopment Plan Amendments are based on the *Community Revitalization Concept Plan (Concept Plan)*, which was completed and adopted by the Bayview Hunters Point Project Area Committee (PAC) in November 2000, after years of community meetings and workshops. Since the completion of the *Concept Plan*, the PAC has focused on the draft Redevelopment Plan Amendments. The PAC and its subcommittees hold regular monthly meetings that are noticed pursuant to the Brown Act.

Separate from the PAC, the Planning Department has been working on its Eastern Neighborhoods Rezoning project since 2001. The Planning Department has conducted a number of community workshops on the Project, and the Agency has proposed several rezoning alternatives, including the Agency preferred alternative (i.e., the Project) that is included in the Draft EIR Project description and a reduced housing alternative, i.e., Zoning Option B Alternative, that is included in Chapter VI, Alternatives.

With regards to retail development, please refer to pp. C&R-47 to C&R-49.

Public Involvement

Comment

It should be clearly stated that the businesses and residents in the BIT should have a voice in determining land use and redevelopment issues within the BIT. (Mark Klaiman)

Response

The Agency and the PAC have been evaluating the feasibility of redevelopment activity in the Bayview Hunters Point area since 1997. Throughout this time, the Agency and PAC have conducted extensive outreach about the proposed Redevelopment Plan Amendments to the Bayview Hunters Point community, and the PAC has held regular monthly meetings. In addition, Agency staff held a community workshop specifically for Bayview Industrial Triangle (BIT) property and business owners and residents in October 2004. Staff will conduct additional public outreach on the proposed Redevelopment Plan Amendment for BIT owners and residents prior to consideration of the proposed Redevelopment Plan Amendment by Agency and City decision makers.

As discussed on pp. C&R-1 to C&R-5 herein, Project Revisions, the Agency now proposes to make no change in the existing land use designations in the BIT Redevelopment Area, pending a further feasibility analysis of the proposed tax increment financing for the BIT Redevelopment Plan. This study of tax increment financing for the BIT would not entail any change in proposed land uses. At the time a development proposal for a site in BIT is proposed, notification of businesses and persons in BIT would occur, pursuant to Agency notification regulations.

Comment

During the public comment portion of the December 7, 2004, regularly scheduled meeting of the Commission, one speaker, representing the East India Basin LLC, referenced a project proposal for the Hunter's Point Shoreline Activity Node. This location is under consideration within the survey area for the Bayview Hunters Point Redevelopment Plan, and is identified as an activity node.

As I have related to the commissioners on a number of occasions in my capacity as a member of the Bayview Hunters Point Project Area Committee (PAC), the PAC has developed and utilizes a series of evaluation criteria when considering any project or development proposal for our community. In addition to the use of informational forms, they (PAC) also require committee overview and presentations by a project sponsor to the various PAC committees in order to complete such an evaluation.

From information I've received in the past week, the PAC has no record of any committee meeting or presentation by the sponsoring entity or representative of East India Basin LLC, nor has there been any reference material submitted for review by the PAC.

In reviewing the most recent public press on (his proposed land use, it must also be made perfectly clear to the commission that such a multi-unit development as proposed at this India Basin location is entirely inconsistent with the PAC's Concept Plan (November 2000), the Activity Node planning (2002-2004), and with the housing and density studies used as the underlying basis for the draft EIR.

As the project sponsor is and has been delinquent in engaging the BVHP- PAC in discussing such a significant proposal, any potential delay to certification of the Draft EIR by this proposal is objectionable and without merit, in my opinion. I therefore urge you to scrutinize any proposal submitted as 'approved' or 'reviewed' by the Bayview Hunters Point Community for accuracy and compliance with the community's Redevelopment representative, the BVHP-PAC, before considering the viability of such proposals. *(Daniel G. Dodt, Director, Bayview-OCP)*

Comment

During the public comment portion of the December 7, 2004, regularly scheduled meeting of the Commission, one speaker, representing the East India Basin LLC, referenced a project proposal for the Hunter's Point Shoreline Activity Node. This location is under consideration within the survey area for the Bayview Hunters Point Redevelopment Plan, and is identified as an activity node.

As we have related to the commissioners on a number of occasions, the Bayview Hunters Point Project Area Committee (PAC) has developed and utilizes a series of evaluation criteria when considering any project or development proposal for our community. In addition to the use of informational forms, we also require committee overview and presentations by a project sponsor to the various PAC committees in order to complete such an evaluation.

To date, the PAC has no record of any committee, meeting or presentation by the sponsoring entity or representative of East India Basin LLC, nor has there been any reference material submitted for review by the PAC.

In reviewing the most recent public press on this proposed land use, it must also be made perfectly dear to the commission that such a multi-unit development as proposed at this India Basin location is entirely inconsistent with the PAC's Concept Plan (November 2000), the Activity Node planning (2002-2004), and with the housing and density studies used as the underlying basis for the draft EIR.

As the project sponsor is and has been delinquent in engaging the PAC in discussing such a significant proposal, any potential delay to certification of the Draft EIR by this proposal is objectionable and without merit. *(Angelo King, Chair, Bayview Hunters Point PAC)*

Response

In considering a development proposal, Agency and City decision makers often look to persons and organizations in a community for input. In Bayview Hunters Point, the PAC

serves as the advisory body to the Agency and provides such input. The commentor is correct in stating that to date, the East India Basin LLC (EIB) proposal has not been presented to the PAC and therefore, the PAC has not had any opportunity to comment on the proposal.

Part of the planning process will be to undertake appropriate CEQA analysis for the Shoreline SUD plan, including the EIB property.

Project Area Committee

Comment

Please except my comment on the Bayview Hunters Point Redevelopment Projects and Zoning Draft Environmental Impact Report.

I did not find during my research this morning any re-election requirements for Project Area Committee members.

However, the formation and administration of PACs in general are governed by California Health and Safety Code, Article 6.5. referred to by state law in Did the PAC comply with Stat Law cited in Article 6.5.

Has this been adhered to? (*Maurice Campbell*)

Response

The re-election of the Bayview Hunters Point Project Area Committee (PAC) would not result in any environmental effect. Moreover, the PAC is advisory to the Agency and is not a decision-making body. Accordingly, the re-election of the PAC is not subject to the California Environmental Quality Act.

Candlestick Point Activity Node

Comment

The passage of the proposition F that calls for the building of the 49er stadium/entertainment/shopping mall was the result of fraudulent voting practices. Residents who remember this election know that full investigations were squelched by political powerful persons. However that does not mean criminal fraud did not happen. Events surrounding that 1997 election, especially the death of a poll manager resident of Hunters View who had an appointment to testify regarding the alleged improprieties, in a suspicious fire which also claimed the lives of four children has permanently and seriously weakened the trust of residents. The Stadium Mall must be removed from the Plan by any means necessary. (*Kevyn Lutton*)

Response

Regarding the Stadium Development Retail/Entertainment Center project (Stadium/Retail project), the Candlestick Point area is included in Project Area B (the area proposed to be added to the existing Hunters Point [HP] Redevelopment Plan Area through the Redevelopment Plan Amendment) on the basis of documentable physical and economic blight factors, pursuant to state Community Redevelopment Law. The proposed Stadium/Retail project is included in the Draft EIR because the possible future development of the Candlestick Point area is the development proposal that was legislated in the 1997 ballot measure (Proposition F). Proposition F changed the City's Planning Code and set a maximum development envelope for the Stadium/Retail project at Candlestick Point. The Draft EIR assumes the 1997 ballot measure as approved by San Francisco voters and discloses environmental effects arising from the construction of the maximum development envelope. The ballot measure itself is not the subject of the current environmental review, but rather, the potential physical land use impact of the Stadium/Retail project.

The existing development controls were put in place by the 1997 ballot measure. The controls may be amended by the Board of Supervisors, but any amendments must be consistent with the purposed and intent of the 1997 ballot measure. To date no new amendments have been proposed.

Oakinba Activity Node

Comment

...and also I wanted to comment, we already have thriving businesses on Bayshore Boulevard.

Those businesses, as Barbara mentioned, will have to be destroyed to include big box. (*Nicky Griffin*)

Comment

I wish to register my deep annoyance with the way the bureaucrats of S.F. just roll over for expansionist corporate dollars. This city is touted in the travel guides as one that is neighborhood friendly, and a great place to hang out; how the city encourages music and art, food and fashion, and has captured the flavors of other lands and languages. A rare find!

How does this square with the square friendly Agency? More jobs for the squares?

Once Bernal was a low-rent, back-lot kind of lazy place. No one was around to pressure a false necessity on us then—we were anonymous, almost invisible. But now—now that the area has become a real estate bonanza—the drum-beat starts. We were noiseless, but now we bring strong opinions, and we don't like square gargantuan boxes at the foot of the hill. I don't like it; my neighbors don't like it, and the organizations don't like it.

Re-zoning: No!

Home Depot: No!

We do like our local businesses, and we have enough traffic now.

Comment

There has got to be a better, more neighborhood friendly approach to developing this part of San Francisco. Big Box stores are not the solution.

I ask the San Francisco Agency to vote no on this proposed plan to rezone the Bayshore/Industrial corridor to Large Commercial. *(Alyson E. Jacks)*

Comment

In addition, small businesses along the Bayshore/Industrial corridor would be greatly harmed.

There has got to be a better, more neighborhood friendly approach to developing this part of San Francisco. Big Box stores are not the solution.

I ask the San Francisco Agency to vote no on this proposed plan to rezone the Bayshore/Industrial corridor to Large Commercial. *(Wendy Miller)*

Comment

I am very happy with small hardware establishments, like Cole Hardware on Mission Street and would hate to see a company like Home Depot take over our neighborhood and take away from the small neighborhood ambiance. *(Moli Steinert)*

Comment

Please add my name to the list of citizens who appose the rezoning of Bayview Hunters Point to allow Large Commercial retail. I am a small business owner right by the Home Depot site. While the increased traffic would expose my business and perhaps increase sales, I hate the thought of the congestion, traffic and pollution. In addition, the small business that are in the area such as Code Hardware would cease to exist. Please preserve the unique flavor of San Francisco and save the Bernal Hill neighborhood. *(Molly N. Maloney, Pooches' Playtime Inc.)*

Comment

So it basically would mean really mowing down a lot of the small businesses to create big enough parcels for big box. That's of concern to us as well. (*Barbara Kyle*)

Comment

...in regards to the PDR issue, I really do not see it as something that I — that I need to support because these are people who very much need the jobs and very much — that corridor, as it's been stated, has not been -- has been tumbleweeds.

Goodman has been closed for a number of years and it's very sad to see it closed, but PDR is meant to protect areas such as Goodman, to assure that they continue to thrive, continue to find the jobs. (*Azalea Merrill*)

Response

Please refer to the employment section beginning on p. C&R-84.

Regarding the proposed rezoning of the Bayshore Boulevard area, the Planning Department's Eastern Neighborhoods Rezoning project would replace the M-1 Light Industrial designation of the area with a Production, Distribution, and Repair (PDR) designation that is more restrictive than the M-1 designation. Any retail proposal larger than 40,000 square feet would have to go through a Conditional Use procedure. For further information concerning retail, please refer to the response to comments regarding regional retail, pp. C&R-47 to C&R-49.

Comment

The other thing that I'm thinking is that I — I drive over by Cesar Chavez every morning, and I see all of the day workers along the way, and I see them moving onto Cortland and moving into our area, and I don't — I don't see that that's a productive thing to have happen, and I don't see that that's good. (*Bree Lamer*)

Response

The focus of the Draft EIR is to evaluate the possible environmental effects of the proposed Redevelopment Plan Amendments and to identify potential significant adverse environmental impacts and possible mitigations to preclude such impacts or reduce the effects to less-than-significant levels. The proposed Redevelopment Plan Amendments facilitate the alleviation of physical and economic blight through facilitating new development and, as stated in the Project objectives (Section II.B, pp. II-9 to II-11) provide the benefits of the new development for

property and business owners and residents of Bayview Hunters Point. As described in the Bayview Hunters Point Redevelopment Plan, the focus of Agency activity is to facilitate the construction of affordable housing; to promote local small business development, entrepreneurship and employment; and to assist in the creation of community enhancements to improve streetscapes and other physical elements that define community character. The proposed Redevelopment Plan Amendments, while making available more choices in housing and employment, would not directly affect residential choices by workers and patterns of worker travel between home and work. Individual workers and residents would still be able to choose where they live and work, from the available choices.

Comment

SUMMARY of most desired changes

If this plan is serious about its stated goal of enhancing quality of life of current residents, I respectfully urge both the Planning Commission and the Agency to improve this Project

A) by doing everything possible to support initiatives to remove the 49er Stadium/Mall project from consideration for this Redevelopment Area. The detrimental effects on this neighborhood, both environmentally and psychologically, given residents eagerness to defeat the proposal in 1997 and the horrible incident of the fire, will far outweigh any benefits.

B) by making a priority the improvement of air quality. The residents of this neighborhood have been and remain the victims of a great deal of environmental injustice. Therefore, the plan must avoid any project that would bring large numbers of visitors, cars, parking lots, into the area.

C) by increasing the variety, and number of PDR sites, thereby giving much needed support to the creation of entrepreneurial opportunities.

D) by introducing projects designed to provide apprenticeship opportunities for current residents in the area of crafts and trades. An important and primary part of this should be the facilitation of co-operatives for the production of modular housing and green energy tools, which should be designed in a way that ownership of shops and housing by presently low income citizens will become possible.

E) by creating support structures for small and medium sized locally owned businesses and by avoiding the environmentally destructive and unjust corporate practices of "big box" stores.

F) by making a clear and unambiguous commitment to tenants of Public Housing to build one to one replacement housing in such a way that households will be moved directly into new

housing units, reasonably near their original neighborhood before their homes are destroyed.
(Kevyn Lutton)

Response

This comment does not address the adequacy of the Draft EIR, rather this comment pertains to the Project and/or Project approval. The following information is provided by the Agency for the benefit of the public and decision makers.

The proposed Redevelopment Plan Amendments incorporate many of the commentor's suggestions. The proposed Redevelopment Plan Amendment calls for economic development to occur in a focused and coordinated manner within economic development activity nodes, including four activity nodes centered on Third Street. Specifically, the proposed Redevelopment Plan Amendment calls for the Agency to create a development program for all or portions of an activity node. Pursuant to the proposed BVHP Redevelopment Plan Amendment, the Agency will be required to seek input from adjacent residents, businesses and neighborhood organizations in creating an activity node development program. The development program will set the scope of development in the activity node and will consider area-wide issues of business retention, employment, traffic circulation, parking, safety, and area aesthetics.

Individual development proposals would be considered on a case-by-case basis by the Agency, or by the Planning Department if located outside the India Basin Industrial Park or Bayview Industrial Triangle Plan Areas, and would need to conform to the City's Planning Code, the *General Plan*, the Redevelopment Plan Amendments, and environmental review pursuant to CEQA. Accordingly, specific findings would be required to meet Planning Code Section 101, the *General Plan* and the Redevelopment Plan, including findings related to the relevant Redevelopment Plan objectives, as listed in the Project Description Chapter (Section II.D., pp. II-9 to II-11) and which include the following objectives.

- Eliminating blight and correcting environmental deficiencies within the Project, including, but not limited to, abnormally high vacancies, abandoned, deteriorated and dilapidated buildings, incompatible land uses, depreciated or stagnant property values, and inadequate or deteriorated public improvements, facilities and utilities.

- Removing structurally substandard buildings, providing land for needed public facilities, removing impediments to land development, and facilitating modern, integrated development with improved pedestrian and vehicular circulation within the Project and vicinity.
- Redesigning and developing undeveloped and underdeveloped areas, which are improperly utilized.
- Providing flexibility in the development of real property within the Project to respond readily and appropriately to market conditions.
- Providing opportunities for participation by owners in the redevelopment of their properties.
- Strengthening the economic base of the Project and the community by strengthening retail and other commercial functions within the Project through the facilitation of new retail space, and as appropriate, new commercial and light industrial uses.
- Retaining existing residents and existing cultural diversity to the extent feasible.
- Encouraging participation of area residents in the economic development that will occur.
- Supporting locally owned small businesses and local entrepreneurship.
- Facilitating emerging commercial-industrial sectors through facilitating improvement of transportation access to commercial and industrial areas, improvement of safety within the Plan Area, and the installation of needed site improvements to stimulate new commercial and industrial expansion, employment, and economic growth.

For information concerning regional retail, please refer to the response to comments regarding regional retail, pp. C&R-47 to C&R-49.

Regarding the Stadium Development Retail/Entertainment Center project (Stadium/Retail project), the Candlestick Point area is included in Project Area B (the area proposed to be added to the existing Hunters Point [HP] Redevelopment Area through the Bayview Hunters Point [BVHP] Redevelopment Plan Amendment) on the basis of quantifiable physical and economic blight factors, pursuant to state Community Redevelopment Law. The proposed Stadium/Retail project is included in the Draft EIR because the possible future development of the Candlestick Point area is the development proposal that was legislated in the 1997 ballot measure (Proposition F). Proposition F changed the City's Planning Code and set a maximum development envelope for the Stadium/Retail project at Candlestick Point. The Draft EIR assumes the 1997 ballot measure as approved by San Francisco voters and discloses

environmental effects arising from the construction of the maximum development envelope. The ballot measure itself is not the subject of the current environmental review, but rather, the potential physical land use impact of the Stadium/Retail project.

The existing development controls were put in place by the 1997 ballot measure. The controls may be amended by the Board of Supervisors, but any amendments must be consistent with the purposed and intent of the 1997 ballot measure. To date no new amendments have been proposed.

With respect to public housing, the San Francisco Housing Authority (SFHA) projects are included in Project Area B on the basis of blight conditions prevalent on the properties; however, the SFHA will retain jurisdiction over its properties. The SFHA will continue to administer its properties and pursue renovation of its units. Inclusion in the Bayview Hunters Point Redevelopment Plan facilitates the coordination of SFHA policies with those of the Agency and City.

Regarding one to one replacement housing, in Project Area B, the Agency does not intend to acquire single family homes or multi-family dwellings. Within Project Area B, the Agency would be restricted in its use of eminent domain. Specifically, the Agency cannot use eminent domain on residentially zoned property ("R" zoning districts), and can only consider use of eminent domain on non-residentially zoned property if the property meets specific criteria listed in the proposed Redevelopment Plan and after there has been public discussion in the Bayview Hunters Point community.

D. STAFF INITIATED TEXT CHANGE AND ERRATA

REVISED SECTION III.D, TRANSPORTATION IMPACTS

The following text revisions in Section III.D, Transportation Impacts, and Section IV, Transportation Mitigation Measures reflect the updated analysis of intersection impacts and feasibility and implementation of mitigation measures discussed in detail in pp. C&R-101 to C&R-107, herein. The text changes clarify the EIR discussion of those topics, but, as discussed in the responses, do not change overall conclusions on significant adverse effects.

IMPACTS

SIGNIFICANCE CRITERIA

The following are the significance criteria used by the Planning Department for the determination of impacts associated with a proposed project:

- The operational impact on signalized intersections is considered significant when project-related traffic causes the intersection level of service to deteriorate from LOS⁷ D or better to LOS E or F, or from LOS E to LOS F. The operational impacts on unsignalized intersections are considered potentially significant if project-related traffic causes the level of service at the worst approach to deteriorate from LOS D or better to LOS E or F and Caltrans signal warrants would be met, or would cause Caltrans signal warrants to be met when the worst approach is already operating at LOS E or F. The project may result in significant adverse impacts at intersections that operate at LOS E or F under existing conditions depending upon the magnitude of the project's contribution to the worsening of the average delay per vehicle. In addition, the project would have a significant adverse impact if it would cause major traffic hazards or contribute considerably to cumulative traffic increases that would cause deterioration in levels of service to unacceptable levels.
- The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is not available. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in

⁷ Level of services (LOS)

parking in the vicinity of the Project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potentially secondary effects.

- The project would have a significant effect on the environment if it would cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service; or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result. With the MUNI and regional transit screenlines analyses, the project would have a significant effect on the transit provider if project-related transit trips would cause the capacity utilization standard to be exceeded during the PM peak hour.
- The project would have a significant effect on the environment if it would result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.
- The project would have a significant effect on the environment if it would create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site and adjoining areas.
- Loading impacts were assessed by comparing the proposed loading space supply to the Planning Code requirements and the estimated loading demand during the peak hour of loading activities.
- Construction-related impacts generally would not be considered significant due to their temporary and limited duration.

METHODOLOGY

The Citywide Model from the San Francisco County Transportation Authority (SFCTA) was used in the preparation of the EIR Transportation Report⁸. Four future scenarios were analyzed with projected volumes from the SFCTA model:

- Year 2025 Base Scenario;
- Year 2025 Eastern Neighborhoods Rezoning Scenario C;
- Year 2025 Scenario C plus Land Use the (Project Land Use); and
- Year 2025 Scenario C plus Land Use (Project) with Transportation Improvements.

⁸ Revised Final Bayview Hunters Point Redevelopment Projects and Rezoning EIR Transportation Report, December 16, 2005. Prepared by EIP Associates with Korve Engineering and CHS Consulting Group.

The 2025 Base Scenario forecasts growth in the City of San Francisco in the Year 2025 consistent with ABAG projections. The 2025 Scenario C alternative tests the effects of rezoning that focuses development in the Eastern Neighborhoods Rezoning of San Francisco as discussed in Section II, Project Description, pp. II-21 to II-23. The development of Candlestick Mall is included in this scenario.

Year 2025 Scenario C plus “Land Use” (the Project Land Use in the Transportation Report)represents the effects of rezoning plus additional, incremental development from the Redevelopment Plan Amendments-Project land use forecasts. The development of Candlestick Mall is also included in this scenario. The “Scenario C plus Project Land Use” as defined in the Transportation Report is the Project itself, as presented in the EIR, Chapter II, pages II-21 to II-23.

~~Year 2025 Scenario C plus Land Use (Project) with Transportation Improvements represents the Project effects with specific transportation mitigation measures. The testing of this scenario is designed to quantify any improvement in transportation that would result from this package of improvements over the Project results. The development of Candlestick Mall is also included in this scenario.~~

~~Year 2025 Scenario C plus Land Use (Project) with Transportation Improvements~~

The Transportation Report, in addition to the year 2025 Base Case and 2025 Base Case Eastern Neighborhoods Rezoning Scenario C plus Project effects, included analysis for future traffic conditions with a Transportation Improvements scenario. That scenario is based on roadway improvements and transit service alternatives for Southeast San Francisco under review through the Department of Public Works. The Transportation Improvements are undergoing a separate environmental review process and were not assumed to be in place with the Redevelopment Plans and Rezoning scenario, but were looked at as an additional future scenario in the Transportation Report.

The major elements of the scenario would be a Yosemite Slough Bridge, a new two-lane facility linking Carroll Avenue in the vicinity of Arelious Walker Drive/Griffith Street with

Crisp Avenue or the vicinity of Griffith Street/Fitch Street. A Carroll Avenue Extension would allow traffic in the Bayview Hunters Point area to access Bayshore Boulevard and US 101, decreasing traffic volumes on Third Street, Cesar Chavez Street, Oakdale Avenue, Williams Avenue, and Paul Avenue.

The “Scenario C plus Land Use (Project) plus Transportation Improvements scenario would also” model network includes improvements to the existing roadway and transit networks in the project study area, as well as additional roadway and bridge construction. The changes and additions to the transit network are described below.:

- muni-MUNI:
 - a. Route 29 – extended into Candlestick, 10-minute headways during peak.
 - b. Route 56 – extended through Executive Park, around the eastern edge of Candlestick, across new Yosemite Bridge to Griffith, west on Palou, follow 44-route over hill to India Basin and west on Evans to connect with Third Street LRT; 15-minute headways.
 - e. Route 44 – increased service to 10-minute headways during peak.
 - d. Route 54 – community route increased service to 15-minute headways.
 - e. Route 19 – increased service to 10-minute headways during peak.
- Transit Center at Candlestick – connects MUNI Routes 23, 29, and 56. Other agencies (VTA, SamTrans) may also want to provide service to the transit center.
- Evans Avenue designated as Transit Preferential Street (TPS).
- Caltrain Oakdale station relocation.
- Improved Caltrain service at local stations – may entail local-service trains stopping at Oakdale and Bayshore, and “Baby Bullet” service skipping these stations.
- Bicycle Improvements as described in the 2004 San Francisco Bicycle Plan Update.

Furthermore, the Yosemite Slough Bridge and the Carroll Avenue extension are new roadways that could be constructed to improve access and circulation in the Bayview Hunters Point

~~neighborhood. The Yosemite Slough Bridge would construct a new two-lane facility linking Carroll Avenue in the vicinity of Arelious Walker Drive/Griffith Street with Crisp Avenue in the vicinity of Griffith Street/Fitch Street. The Carroll Avenue extension would allow traffic in the Bayview-Hunters Point area to access Bayshore Boulevard and US 101, decreasing traffic volumes on Third Street, Cesar Chavez Street, Oakdale Avenue, Williams Avenue, and Paul Avenue.~~

TRIP GENERATION

As shown in Table III.D-3, the Project would generate approximately 59,069 new inbound and 59,330 new outbound person-trips during a typical weekday. As shown in Table III.D-4, the Project would generate approximately 4,369 new inbound person-trips and 4,565 new outbound person-trips during the PM peak hour.

TRAFFIC IMPACTS

Traffic volumes at each of the study intersections were identified from the SFCTA model results, and evaluated using the 2000 Highway Capacity Manual methodology. LOS and Volume-to-Capacity (V/C) ratios for each intersection are presented in Table III.D-5, for the future year 2025 Base Case, ~~and the Project, and the Project with Transportation Improvements scenario.~~ (The 2005 Base Case plus Eastern Neighborhoods Rezoning Options C scenario is included in the Transportation Report, but is not cited directly in the EIR. The net effect of the Project would be represented by the differences between 2025 Base Case conditions and 2025 Base Case plus Project Conditions.)⁹

⁹ The 2005 Base Case plus Eastern Neighborhoods Rezoning Options C Scenario is included in the Revised Table III.D-5, included in this section.

**TABLE III.D-3
WEEKDAY DAILY TRIP GENERATION BY MODE AND ACTIVITY NODE**

Activity Node	Person Trips										Vehicle Trips	
	Auto		Transit		Walk		Bike		Total			
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Northern Gateway	5,205	4,960	848	816	1,257	1,373	77	74	7,387	7,224	3,990	3,859
Town Center	2,551	2,432	339	358	779	871	62	61	3,730	3,721	1,924	1,805
Health Center	8,520	8,653	1,690	1,666	2,763	2,608	105	105	13,078	13,033	6,320	6,332
South Basin	889	814	71	75	633	670	25	26	1,617	1,584	504	424
Hunters Point Shoreline	9,294	9,252	1,035	1,088	1,977	1,933	81	80	12,388	12,353	6,522	6,603
Oakinba	1,443	1,379	280	239	391	455	22	22	2,136	2,094	1,113	1,033
Candlestick	15,779	16,043	1,060	1,202	1,775	1,979	119	98	18,732	19,321	12,553	12,871
TOTAL	43,681	43,533	5,323	5,443	9,574	9,889	491	465	59,069	59,330	32,926	32,927
% of Total Person Trips	74.0%	73.4%	9.0%	9.2%	16.2%	16.6%	0.8%	0.8%	100%	100%		

Source: SFCTA travel forecasting model.

**TABLE III.D-4
WEEKDAY PM PEAK HOUR TRIP GENERATION
BY MODE AND ACTIVITY NODE**

Activity Node	Person Trips										Vehicle Trips	
	Auto		Transit		Walk		Bike		Total			
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Northern Gateway	338	425	71	71	73	95	7	8	489	599	264	331
Town Center	197	214	42	38	66	65	7	8	312	323	150	157
Health Center	744	687	162	108	215	194	14	10	1,135	999	545	508
South Basin	85	17	17	5	42	33	0	0	144	55	46	1
Hunters Point Shoreline	793	658	116	59	169	140	5	5	1,082	862	544	453
Oakinba	99	143	7	36	15	41	0	0	121	222	72	108
Candlestick	966	1,279	42	114	68	104	9	8	1,085	1505	748	997
TOTAL	3,221	3,424	458	431	648	673	42	37	4,369	4,565	2,370	2,555
% of Total Person Trips	73.7	75	10.5	9.5	14.8	14.7	1	0.8	100	100		

Source: SFCTA travel forecasting model.

All 2025 conditions at the Alana Way/Harney Way and Jamestown Avenue/Harney Way intersections assume the planned signalization of the two intersections.

2025 Base Case Scenario

Traffic impacts are determined by comparing the Project to the Year 2025 Base Scenario. During the midday peak hour on weekends, the six study intersections would operate at satisfactory conditions. Most of the analyzed intersections would operate at LOS D or better during the weekday peak hour for the year 2025–Base Case.– ~~During the weekday evening~~

~~peak hour +~~ The Third Street/Cesar Chavez Street, Bayshore Boulevard/Silver Avenue, Bayshore Boulevard/Industrial Street/Alemaný Boulevard, and Cesar Chavez Street/Evans Avenue intersections would operate at LOS F (see Table III.D-5, below). ~~in all future scenarios.~~

2025 Project Scenario

- With Project conditions, five intersections would be significantly impacted by Project traffic. In the weekday PM peak hour, the additional trips generated by the Project would deteriorate levels of service to unacceptable levels at ~~two~~ one study intersections, ~~and would contribute to substantial delay at four intersections.~~ The Third Street/Evans Avenue intersection would worsen the LOS D in the 2025 Base Case to LOS E with Project Conditions (See Table III.D-5). The following six intersections would operate at LOS E or F for the year 2025 Scenario C plus Project conditions with generally greater delays experienced by drivers than for 2025 Baseline conditions: Third Street/Cesar Chavez Street (LOS F, increase in delay);
- Third Street/Evans Avenue (~~from LOS E to LOS F~~ from LOS D to LOS E);
- Bayshore Boulevard/Paul Avenue (from LOS D to LOS F);
- Bayshore Boulevard/Silver Avenue (LOS F, increase in delay);
- Bayshore Boulevard/Industrial Way/Alemaný Boulevard (~~increase in delay~~ LOS F); and
- Cesar Chavez Street/Evans Avenue (LOS F, increase in delay).

The Project would be considered to have a substantial contribution to LOS E or F conditions at five of these six intersections, with the exception of Bayshore Boulevard/Industrial Street/Alemaný Boulevard. At that intersection, the Project would contribute less than two percent of the volume increases and 0.5 percent of the trips at the critical turning movements. Therefore, the Project's impacts would be less-than-significant.

**TABLE III-D-5: INTERSECTION LOS PM PEAK HOUR AND
WEEKEND MIDDAY PEAK HOUR: YEAR 2025 (REVISED)**

Year 2025									
Intersection		2025 Base		Scenario C		Scenario C plus Project		Scenario C plus Project plus TR	
		LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)
Third Street/ Cesar Chavez St	PM	F	> 80 (1.19*)	F	> 80 (1.21*)	F	> 80 (1.32*)	F	> 80 (1.34*)
Third Street/Cargo Way	PM	C	33.7	D	37.4	D	38.6	D	42.6
Third Street/Evans Ave	PM	E	62.3	E	70.9	F	> 80	E	63.8
		D	(1.02*)	D	(1.06*)	E	(1.19*)	D	(0.98*)
			<u>47.7</u>		<u>52.0</u>		<u>76.7</u> (1.08*)		<u>47.0</u>
Third Street/Oakdale Ave	PM	C	29.8	C	31.1	C	29.5	C	27.4
Third Street/Palou Ave	PM	B	13.5	B	13.9	B	16.0	B	13.9
Third Street/Carroll Ave	PM	C	20.4	C	20.4	C	20.7	C	30.3
	MID	B	17.5	B	17.5	B	17.8	B	18.0
Third Street/Paul Ave/Gilman Ave	PM	C	25.0	C	26.6	C	25.1	C	23.1
	MID	C	23.2	C	24.2	C	23.6	C	23.2
Bayshore Blvd/US-101 SB Ramps	PM	C	23.7	C	22.8	C	22.9	C	24.2
	MID	B	17.2	B	17.1	B	18.7	B	18.6
Bayshore Blvd/Paul Ave	PM	D	43.7	D	52.7	F	> 80 (2.04*)	F	> 80 (1.93*)
	MID	B	14.2	B	14.5	B	15.9	B	15.9
Bayshore Blvd/Silver Ave	PM	F	> 80 (1.74*)	F	> 80 (1.77*)	F	> 80 (1.96*)	F	> 80 (2.01*)
Bayshore Blvd/Industrial Street/Alemanly Blvd	PM	F	> 80 (1.13*)	F	> 80 (1.14*)	F	> 80 (1.13*)	F	> 80 (1.08*)
Bayshore Blvd/Oakdale Ave	PM	D	47.5	D	49.4	D	48.1	E	72.7 (1.11*)
Cesar Chavez St/Evans Ave	PM	F	> 80	F	> 80	F	> 80	F	> 80
			(1.67*)		(1.72*)		(1.82*)		(1.66*)
			(1.56*)		(1.61*)		(1.70*)		(1.55*)
Alanna Way Harney Way	PM	C	34.4	D	41.1	D	40.5	D	42.8
	MID	C	33.1	C	33.7	D	35.2	D	35.7
Harney Way/Jamestown Ave	PM	B	11.5	B	12.1	B	12.6	B	12.1
	MID	B	11.4	B	12.6	B	13.3	B	13.5

Source: Korve Engineering, Inc. – June 2004, December 2005.

Notes: The numbers in parenthesis represent the Volume/Capacity ratios for intersections expected to operate at LOS E and F. Impacts are identified in **bold**.

* V/C ratio for LOS E and F conditions.

Table III.D-5
Intersection LOS: Year 2025

Intersection		2025 Base		2025 + Project	
		LOS	Delay (sec)	LOS	Delay (sec)
Third Street/ Cesar Chavez St	PM	F	80 (1.19*)	F	80 (1.32*)
Third Street/ Cargo Way	PM	C	33.7	D	38.6
Third Street/ Evans Ave	PM	E	62.3 (1.02*)	F	80 (1.19*)
Third Street/ Oakdale Ave	PM	C	29.8	C	29.5
Third Street/ Palou Ave	PM	B	13.5	B	16.0
Third Street/ Carroll Ave	PM	C	20.4	C	20.7
	MID	B	17.5	B	17.8
Third Street/ Paul Ave/ Gilman Ave	PM	C	25.0	C	25.1
	MID	C	23.2	C	23.6
Bayshore Blvd/US 101 SB Ramps	PM	C	23.7	C	22.9
	MID	B	17.2	B	18.7
Bayshore Blvd/ Paul Ave	PM	D	43.7	F	80 (2.04*)
	MID	B	14.2	B	15.9
Bayshore Blvd/ Silver Ave	PM	F	80 (1.74*)	F	80 (1.96*)
Bayshore Blvd/Industrial Way/Alemany Blvd	PM	F	80 (1.13*)	F	80 (1.13*)
Bayshore Blvd/ Oakdale Ave	PM	D	47.5	D	48.1
Cesar Chavez St/ Evans Ave	PM	F	80 (1.67)	F	80 (1.82*)
Alanna Way/ Harney Way	PM	C	34.4	D	40.5
	MID	C	33.1	D	35.2
Harney Way/ Jamestown Ave	PM	B	11.5	B	12.6
	MID	B	11.4	B	13.3

Source: Kolve Engineering, Inc. June 2004.

Note: —

The numbers in parenthesis represent the Volume/Capacity ratios for intersections expected to operate at LOS E and F.

Impacts are identified in **bold**.

* V/C ratio for LOS E and F conditions.

** Congestion levels too heavy for delay calculation to be meaningful.

Chapter IV identifies mitigation measures to reduce these Project impacts. The ~~intersections of Third Street/Cesar Chavez Street, Third Street/Evans Avenue, Bayshore Boulevard/Paul Avenue, Bayshore Boulevard/Silver Avenue, and the Evans Avenue/Cesar Chavez Street intersections mitigation measures would be feasible, would be considered to have a significant unavoidable impact since no mitigation is available to improve LOS to an acceptable level. The mitigation measure identified for conditions at the Third Street/Cesar Chavez Street intersection is considered infeasible, and that impact would be an unavoidable significant adverse effect.~~

~~In addition, the freeway segment of northbound US 101 south of I-280 would be considered a significant and unavoidable impact as no feasible mitigation is available.~~

2025 Project Scenario plus Transportation Improvements

With the Project and the Transportation Improvements Scenario, the Third Street/Evans Avenue intersection would operate at LOS D, an acceptable LOS (see Table III.D-5). However, an additional intersection, Bayshore Boulevard/Oakdale Avenue, would operate at an unacceptable LOS E. The Project's impacts at that intersection would be considered less-than-significant. With the Transportation Improvements scenario, traffic levels would increase on certain portions of Bayshore Boulevard. This would occur primarily from the Carroll Avenue extension, which would allow more traffic to access Bayshore Boulevard.

The following intersections would continue to operate at LOS F:

- Third Street/Cesar Chavez Street;
- Bayshore Boulevard/Paul Avenue;
- Bayshore Boulevard/Silver Avenue;
- Bayshore Boulevard/Industrial Way/Alemanay Boulevard;
- Bayshore Boulevard/ Oakdale Avenue; and
- Cesar Chavez Street/Evans Avenue.

The Project traffic would represent a considerable contribution to Year 2025-conditions with Transportation Improvements and would be a significant impact at four of the intersections that would operate at LOS E or F. As with the Project Scenario, the Project's contribution to LOS F conditions at the Bayshore Boulevard/Industrial Street/Aleman Boulevard intersection would be less than significant.

CUMULATIVE TRAFFIC IMPACTS

~~Of the six intersections that would operate at LOS E or F in 2025 with the Project, the project's effects at all six intersections would be considered a substantial significant contribution to cumulative impacts:~~

- ~~• Third Street/Cesar Chavez Street;~~
- ~~• Third Street/Evans Avenue;~~
- ~~• Bayshore Boulevard/Paul Avenue;~~
- ~~• Bayshore Boulevard / Silver Avenue;~~
- ~~• Bayshore Boulevard /Industrial Way; and~~
- ~~• Cesar Chavez Street /Evans Avenue.~~

FREEWAY IMPACTS

In the year 2025 scenarios, all freeway ramps would operate at LOS D or better, including conditions with Project traffic added to the roadway network. US 101 in the southbound direction at San Bruno Avenue would continue to operate at LOS D in all future scenarios. US 101 in the northbound direction south of I-280 would deteriorate from LOS E under existing conditions to LOS F in all future scenarios. Both LOS E and F are considered unacceptable service levels. The freeway volumes associated with the Project would be about 14.2 percent of the volume increase and 1.2 percent of the total volumes. This would constitute a significant contribution to this LOS F at the US 101 freeway segment south of I-280.

However, the freeway conditions would be considered a significant and unavoidable impact as no feasible mitigation is available.

CONCLUSIONS

The project would have a considerable contribution to adverse LOS E or LOS F conditions in the year 2025 at the following intersections:

- Third Street/Cesar Chavez Street
- Third Street/Evans Avenue
- Bayshore Boulevard/Paul Avenue
- Bayshore Boulevard/Silver Avenue
- Cesar Chavez Street/Evans Avenue

Chapter IV identifies mitigation measures to reduce these impacts. The Third Street/Evans Avenue, Bayshore Boulevard/Paul Avenue, Bayshore Boulevard/Silver Avenue, and the Cesar Chavez Street/Evans Avenue intersections mitigation measures would be feasible and would be implemented as part of the Bayview Hunters Point Redevelopment Project or the Hunters Point Shipyard Project. The mitigation measure identified for conditions at the Third Street/Evans Avenue intersection is considered infeasible, and that impact would be an unavoidable significant adverse effect.

TRANSIT IMPACTS

The Project would generate approximately 15,388 new transit trips (10,620 inbound; 4,768 outbound) new transit trips on a typical weekday and 1,344 trips (203 inbound; 1,141 outbound) during PM peak hour. The majority of the transit trips would be generated by the Candlestick, Health Center and the Hunters Point Shoreline Activity Nodes.

MUNI Impacts

As presented in Table III.D-6, there would be a net increase of 858 MUNI riders during the PM peak hour within the Project Area for the future baseline conditions (the difference between 2025 Baseline and Project Scenario). Of these new trips, 547 (253 inbound, 294 outbound) would cross the north screenline, 284 (150 inbound, 134 outbound) would cross the west screenline and 27 (13 inbound, 14 outbound) would cross the south screenline. Those MUNI trips were distributed to the screenlines; the estimated MUNI ridership also includes

transfers to the regional transit carriers, such as AC Transit, Golden Gate, SamTrans and BART. Transfers to Caltrain are considered to be local MUNI trips, and therefore, were not assigned to the screenlines.

MUNI capacity in 2025 assumes the following service changes:

- MUNI LRT extension from South of Market area to Chinatown
- Discontinuation of MUNI bus line 15

Table III.D-6 shows that all MUNI bus lines would operate substantially below capacity for both inbound and outbound directions, except the west screenline in the inbound direction.

**TABLE III.D-6
MUNI PM PEAK HOUR SCREENLINE ANALYSIS –2025 BASELINE AND 2025
PROJECT SCENARIOS**

MUNI Screenline	2025 Base Scenario ¹						2025 (Project) ²					
	Ridership		Capacity		Capacity Utilization		Ridership		Capacity		Capacity Utilization	
	To	From	To	From	To	From	To	From	To	From	To	From
North	451	669	1,869	1,806	24%	37%	919	1,199	1,869	1,806	49%	66%
West	457	434	1,512	1,638	30%	26%	591	584	1,512	1,638	39%	36%
South	209	166	1,428	1,428	15%	12%	289	226	1,428	1,428	20%	16%
Subtotal	1,117	1,269	4,809	4,872	23%	26%	1,799	2,008	4,809	4,872	37%	41%
TOTAL	2,386		9,681		25%		3,807		9,681		39%	

Note:

1. 2025 Baseline Scenario project trips represent the model's growth from Scenario 2000 to 2025 Baseline, multiplied by a factor of 1.035 for the PM peak hour.
2. 2025 (project) trips represent the increase from Scenario 2025 Baseline to 2025 +Project.

Regional Transit Impacts

Regional transit trips were assigned to the regional screenlines based on their trip origins and destinations. Over 31,000 transit trips currently cross the three regional screenlines. More than half (69 percent) of transit trips cross the East Bay screenline, with approximately 82

percent of these trips on BART. Approximately 3,890 trips cross the North Bay screenline, mostly on the Golden Gate Transit buses. Approximately 5,840 trips cross the South Bay screenline, with approximately 54 percent of these trips on BART. All regional transit providers currently operate at less than their design capacity (meaning seats are generally available), except BART in the East Bay Corridor. BART East Bay corridor would operate at 120 percent capacity, which would near its capacity threshold of 135 percent.

Regional transit impacts could affect AC Transit, BART, Golden Gate Transit, Caltrain, SamTrans, and three ferry systems. With the Project, there would be a net increase of 48 regional transit trips (28 inbound and 20 outbound). The primary origin and destination regions would be the East Bay and the South Bay. These 48 new trips would have a negligible effect on regional transit capacity (substantially less than 1 percent); the Project would not have a significant adverse impact on regional transit service.

PEDESTRIAN IMPACTS

The Project would generate approximately 2,210 net new pedestrian trips on a typical weekday during PM peak hour. As most of the streets in the Study Area have sidewalks and the estimated pedestrian trips would be dispersed throughout the Project Area, no significant pedestrian impacts would be expected. It is anticipated, however, that there would be a moderate increase in pedestrian trips at the crosswalks near the LRT stations along Third Street. This increase would not impact the operations of the existing crosswalks. It should be noted that currently, however, several streets on the west side of Third Street do not have complete sidewalks and crosswalk painting is faded.

BICYCLE IMPACTS

The Project would generate approximately 79 new bicycle trips on a typical weekday during the PM peak hour for the Study Area. There are currently eight bicycle routes in Bayview Hunters Point, one of which has designated bicycle lane (Route 68) and one of them has wide curb lanes (Route 7). As these 79 bicycle trips would be dispersed throughout the Project Area during the PM peak hour, no significant pedestrian impacts would be expected.

PARKING

A parking demand analysis used the methodology established in the *SF Guidelines*. The Project would generate demand for approximately 9,150 to 10,630 parking spaces, of which 6,621 would be long-term parking (4,070 to 5,550 for residential uses and 2,551 for non-residential uses) and 2,530 would be short-term parking.

It is anticipated that any further development would meet *Planning Code* parking requirements. As presented in the Setting, sections of the Project Area have available parking. In general, parking is more constrained in portions of the industrial areas and along Third Street.

LOADING

Loading demand was estimated based on the methodology presented in the *SF Guidelines*. The Project would generate a demand for approximately 32 loading spaces during an average hour and 40 spaces during the peak hour. It is recommended that the Redevelopment Agency, Planning Department, and Municipal Transportation Agency establish procedures and requirements for detailed operational level analysis as specific development projects advance through the City's review process.

GOODS MOVEMENT

The amount of truck trips in 2025 would be approximately 77 during the average hour and 96 during the midday peak hour. It is anticipated that these trucks would use major arterials such as Third Street to access the freeways and industrial and retail destinations in the Project Area. Therefore, these roads will experience additional truck traffic.

CONSTRUCTION IMPACTS

Potential construction impacts for individual developments in the Project Area due to implementing the Project are not considered significant as they are temporary and of short-term duration. The City of San Francisco has established requirements and procedures for

construction projects. Specific impacts for each development would be analyzed on a project-by-project basis.

REVISED SECTION IV MITIGATION MEASURES

The following text revisions in Section IV, Mitigation Measures, reflect the updated analysis of intersection impacts and feasibility and implementation of mitigation measures discussed in detail in the Transportation Report, and in the revisions to the Transportation Impacts Section of the Draft EIR, illustrated above. The text changes clarify the EIR discussion of those topics, but do not change overall conclusions on significant adverse effects.

The revised mitigation measures are presented below:

Transportation Mitigation 1 Third Street/Cesar Chavez Street

Physical changes to the intersection's geometry would have to be made to mitigate the scenario's impact at this intersection. With the completion of the Third Street LRT, Third Street at Cesar Chavez Street will provide one left-turn lane, one through-lane, and one shared through-right lane at the northbound approach. To mitigate the scenario's impact at this intersection, one additional northbound left-turn lane would need to be provided. This mitigation measure would result in operating conditions of LOS E (68.8 seconds of delay), with less delay experienced than in the no-project conditions.

With the Third Street LRT, space could not be taken from the center of Third Street. Parking will not be allowed in either direction on Third Street. To accommodate the additional space needed for a second left-turn lane, Third Street would therefore need to be widened to the east. Additional right-of-way acquisition would be necessary in the northeast and southeast quadrants of the intersections to facilitate the widening of Third Street. This would require the demolition of a portion of two warehouse structures, and substantial right-of-way acquisition (approximately 5,000 square feet in both the northeast and southeast quadrants of the intersection) of industrially zoned land.

~~The Department of Parking and Traffic (DPT) evaluated this mitigation measures and identified it to be infeasible, because of the need to acquire right-of-way with existing structures. Thus, this impact is considered significant and unavoidable.~~

As noted in the Draft EIR, the Third Street Light Rail Project FEIR also identified cumulative traffic impacts at the Third Street/Cesar Chavez intersection as significant and unavoidable. No mitigation measures were provided by the Third Street Light Rail Project. The widening of Third Street at this location would be inconsistent with the pedestrian environment being created by the LRT project. A widening of the roadway of this kind would make the pedestrian crossing of Third Street longer and potentially less safe, and would require more dedicated pedestrian crossing time as part of the signal phasing plan. Thus, this mitigation is considered infeasible and this impact would be considered significant and unavoidable.

Transportation Mitigation 2 Third Street/Evans Avenue

Physical changes to the intersection's geometry would have to be made to mitigate the project's impact at this intersection. With the Third Street LRT, this intersection provides Third Street at Evans Avenue with one through-lane and one shared through-right lane in both the northbound and southbound directions. There will be left turn lanes in both directions on Third Street. The eastbound approach on Evans Avenue will have one left turn lane, one through lane, and one shared through-right lane. The westbound approach on Evans Avenue will have one left-turn lane, two through lanes, and one right-turn lane.

~~A second left turn lane would be necessary on the westbound approach on Evans Avenue. Space for the additional left turn lane would be obtained by removing the on-street parking allowed on the roadway at this westbound approach. Two hundred feet of parking (approximately 8 parking spaces) would be removed to accommodate a 200-foot long right turn lane. Each of the traffic lanes on the westbound approach would be shifted to the north to accommodate the additional left turn lane.~~

~~The eastbound shared through right lane would be converted into one through lane and a separate eastbound right turn lane would be added on Evans Avenue. The right turn lane would be a minimum of 100 feet long. The roadway centerline at the eastbound approach would be moved approximately 10 feet to the north. Space for the additional right turn lane would be obtained by removing the on-street parking located adjacent to the westbound receiving lanes at the eastbound approach.~~

~~These mitigation measures would require the acquisition of approximately 15 feet of right of way from the parcel on the north side of Evans Street between Third Street and Phelps Street (the northwest intersection quadrant). This additional space would allow for an adequate alignment of the westbound through movements crossing Third Street.~~

~~In addition, a second left turn lane would be necessary on the northbound approach on Third Street. This mitigation measure would require the acquisition of approximately 10 feet of right of way from the parcel on the east side of Third Street (northeast quadrant). This would result in moving the sidewalk 10 feet east on Third Street.~~

The Third Street Light Rail Project FEIS and FEIS for the Disposal and Reuse of Hunters Point Shipyard proposed that the southbound left-turn lane be eliminated at the Third Street/Evans Avenue intersection with the re-routing of turns via Phelps Street to Evans Avenue. In addition, signalization of the Phelps Street/Evans Avenue intersection and removal of parking spaces along Phelps Street and Evans Avenue were proposed as mitigation. This improvement was found to mitigate the Proposed Project's impact at this intersection. This mitigation measure is feasible, but would require right-of-way acquisition, the removal of on-street parking spaces, and substantial construction to build new roadway and sidewalks.

This mitigation measure would result in operating conditions of LOS F-D (61.9 53.8 seconds of delay), with less delay experienced than in the no project conditions thus fully mitigating the project's impact at this intersection. The measure will be implemented as part of improvements for the approved Hunters Point Shipyard project.

~~Acquiring right of way at this intersection would not be possible without displacing existing businesses and structures. The DPT evaluated this mitigation measure and identified it to be infeasible. Thus, this impact is considered significant and avoidable.~~

Transportation Mitigation 3 Bayshore Avenue/Paul Avenue

Changes to the signal phasing at this intersection would have to be made to mitigate the Scenario's impact at this intersection. Currently, the left-turn movements on northbound and southbound Bayshore Boulevard operate with permitted left turns. These movements would be converted to protected left-turn movements with this mitigation. No changes in the physical intersection geometry would be made. This mitigation measure would result in operating conditions of LOS D (41.6 seconds of delay), with less delay experienced than in the no-project conditions.

The implementation of this mitigation measure would not lead to any adverse impacts. The DPT evaluated this mitigation measure and identified it to be a feasible measure.

Transportation Mitigation 4 Bayshore Boulevard/Silver Avenue

Physical changes to the intersection's geometry would have to be made to mitigate the Project impact at this intersection. Currently, the eastbound approach on Silver Avenue has a shared left-turn and through lane and shared through and right-turn lane. To mitigate the impact at this intersection, an exclusive eastbound right-turn lane would need to be added. The proposed eastbound approach would consist of a shared left-turn and through lane, through lane and an exclusive right-turn lane. To provide the right-turn lane the existing US 101 overcrossing would need to be widened. This widening would be needed for approximately 300 feet approaching the intersection; thus, an 11-foot-wide lane addition would result in a total structural modification of approximately 3,300 square feet. This mitigation measure would result in operating conditions of LOS F (V/C ratio of 1.71), with less delay experienced than in the 2025 Base Scenario. This mitigation measure is feasible and would reduce Project impacts to a less-than-significant level.

**Transportation Mitigation 5 — ~~Bayshore Boulevard/ Industrial Street/Aleman~~
~~Boulevard~~ (Deleted)**

Transportation Mitigation 6 Cesar Chavez Street/Evans Avenue

Physical changes to the intersection's geometry would have to be made to mitigate the scenario's impact at this intersection. Evans Avenue provides one left-turn lane and one shared left-right lane on the northbound approach at its intersection with Cesar Chavez Street.

The *FEIS for the Disposal and Reuse of Hunters Point Shipyard* identified a project impact at the Cesar Chavez Street/Evans Avenue intersection and proposed the re-striping of the northbound approach to consist of two left-turn lanes and a right-turn lane. Structural modifications to the Caesar Chavez viaduct would be necessary to provide a proper curb return for right turn movement and will be implemented as part of the Hunters Point Shipyard project.

These changes would mitigate the proposed Project's impact. This mitigation measure would result in operating conditions of LOS ~~F~~ E (~~V/C ratio of 1.5~~ 61.6 seconds of delay), with less delay experienced than in the no-project conditions and thus the Project would have a less-than-significant impact at this intersection.

The DPT evaluated this mitigation measure and identified the structural modification to the viaduct to be feasible.

Transportation Mitigation 6A US 101 South of I-280 (Northbound Direction)

Northbound US 101 south of I-280 would need to be widened to mitigate this impact. However, acquiring additional right-of-way in this section without the demolition of existing residences and businesses is not feasible. This impact is considered significant and unavoidable.

Transportation Mitigation 7 Transportation Demand Management

As part of any development agreements or other contractual relationship that the Agency enters into with developers for development in the Plan area, including, but not limited to the Candlestick Mall project, the Agency could require developers to implement the following programs. These measures may help reduce, but would not mitigate impacts at intersections identified with significant transportation impacts:

1. Transit Pass Sales. To the extent transit pass sales locations do not exist near the development, establish a transit pass sales location at the development.
2. Transit, Pedestrian and Bicycle Information. Provide maps of local pedestrian and bicycle routes, transit stops and routes and other information, including bicycle commuter information, on signs and/or kiosks available at the development. Have the developer provide rideshare information and services through 511.org or an equivalent program.
3. Employee Transit Subsidies. Require developments with 50 or more employees to use a transit subsidy system (e.g., through the Commuter Check Program) for their employees by incorporating transit subsidy requirements in agreements with developers.
4. Secure Bicycle Parking. In addition to the existing requirements of Planning Code Section 155, require developers to provide bicycle parking spaces in off-street parking areas in accordance with the amounts required by San Francisco Planning Code Section 155.1 for City-owned or leased buildings. In developments with 50 or more employees, require employers to provide clothing lockers and showers for bicyclists.
5. Parking Management Guidelines. Establish mandatory parking management policies for any developers that include parking facilities in their development. The mandatory parking management policies would be designed to discourage long-term parking, provide areas for rideshare vehicles and alternative fuel vehicles.

6. Flexible Work Time/Telecommuting. Require developers to offer employees the opportunity to work on flexible schedules and/or telecommute so they can avoid peak hour traffic conditions.

7. Local Hiring. In addition to any applicable requirements of the City's First Source hiring program, require developers to comply with the Agency's local hiring requirements.

REVISIONS TO SECTION S, SUMMARY

The following text revisions to Section S, Summary, reflect the updated analysis of intersection impacts and feasibility and implementation of mitigation measures per the revised Transportation Report and Draft EIR Transportation Section. The text changes clarify the EIR discussion, but do not change overall conclusions on significant adverse effects.

The last paragraph on p. S-5 through the first paragraph on p. S-6, has been revised as follows:

- 2) Urban Design and Visual Quality (Lighting). ~~The impact of lighting from the Stadium Development Retail/Entertainment Center would depend on the combination of effects from stadium light towers, scoreboards, parking lot lights, circulation traffic, the frequency of night games at the stadium, and architectural/perimeter lighting from the entire complex. While the existing stadium lighting would be replaced in kind with lighting for the new stadium, the new mall would be an ongoing, new source of light. The new mall would be open during some portion of the evening, and lights from the new mall, the parking lot, and vehicles would represent an unavoidable increase in overall lighting levels. The new mall lights would be seen from numerous vantage points and nearby residential areas. This substantial new source of light could adversely affect adjacent properties, which is considered a significant and unavoidable impact.~~

- 2)3) Transportation (Intersection Operation). The intersection of Third Street/Cesar Chavez Street would be considered a significant unavoidable impact since no mitigation is available to reduce this impact to less than significant.
- 3) Transportation (Freeway Operation). The Level of Service F freeway operation at northbound US 101 south of I-280 would be considered a significant and unavoidable impact as no feasible mitigation is available.

Summary p. S-10, end of first paragraph, has been revised as follows:

This substantial new source of light could adversely affect adjacent properties, which is considered a significant and unavoidable impact. Chapter IV identifies a mitigation measure to avoid this effect.

The Transportation section of the summary, pp. S-13 through S-14, has been revised as follows:

The transportation analysis for this EIR reviewed 15 intersections serving the Project Area; 15 study intersections operate at acceptable levels of service in the PM peak hour (LOS D or better). The six study intersections evaluated for the midday peak hour would operate at satisfactory conditions on weekends. With conditions for the year 2025 Base Case plus the Project, five intersections would be significantly impacted by Project traffic. In the weekday PM peak hour, the additional trips generated by the Project would deteriorate levels of service to unacceptable levels at two study intersections, and would contribute to substantial delay at four intersections. The Third Street/Evans Avenue intersection would worsen the LOS D in the 2025 Base Case to LOS E with Project conditions. The Bayshore Boulevard/Paul Avenue would worsen from LOS D to LOS F. The following six intersections would operate at LOS E or F for the year 2025 Project conditions, with generally greater delays than for 2025 Baseline conditions:

- Third Street/Cesar Chavez Street (LOS F, increase in delay);
- Third Street/Evans Avenue (from LOS D to LOS E);
- Bayshore Boulevard/Paul Avenue (from LOS D to LOS F);
- Bayshore Boulevard/Silver Avenue (LOS F, increase in delay);
- Bayshore Boulevard/Industrial Way/Alemanay Boulevard (LOS F); and
- Cesar Chavez Street/Evans Avenue (LOS F, increase in delay)

The Project would be considered to have a substantial contribution to LOS E or F conditions at five of these six intersections. At the Bayshore Boulevard/Industrial Street/Alemanay Boulevard intersection, the Project would contribute less than 0.5 percent of the trips at the critical turning movement. The Project's impacts would be less-than-significant.

Chapter IV identifies mitigation measures to reduce Project impacts. The intersections of Third Street/Cesar Chavez Street, Third Street/Evans Avenue, Bayshore Boulevard/Paul Avenue, Bayshore Boulevard/Silver Avenue, and the Evans Avenue/Cesar Chavez Street intersections mitigation measures would be feasible. The mitigation measures identified for conditions at the Third Street/Cesar Chavez intersection are considered infeasible, and that impact would be an unavoidable significant adverse effect.

In addition, the freeway segment northbound US 101 south of I-280 would be considered a significant and unavoidable impact as no feasible mitigation is available.

~~During the weekday evening peak hour the Third Street/Cesar Chavez Street, Bayshore Boulevard/Silver Avenue, Bayshore Boulevard/Industrial Street and Cesar Chavez Street/Evans Avenue intersections would operate at LOS F in all future scenarios.~~

~~The Project's traffic contribution to the following six intersections would be considered significant adverse effects:~~

~~Third Street/Cesar Chavez Street;~~

~~Third Street/Evans Avenue;~~
~~Bayshore Boulevard/Paul Avenue;~~
~~Bayshore Boulevard/Silver Avenue;~~
~~Bayshore Boulevard/Industrial Way/Alemanay Boulevard; and~~
~~Cesar Chavez Street/Evans Avenue.~~

~~The additional trips generated by the Project would deteriorate levels of service to unacceptable levels at seven study intersections, in the weekday PM peak hour. The intersection of Third Street/Cesar Chavez Street would be considered to have a significant unavoidable impact since no mitigation is available to improve LOS to an acceptable level.~~

Furthermore, the Mitigation Measures listed in the Summary Section on pp. S-31 to S-34, under "Transportation and Circulation," have been revised as presented in the Revisions to IV, Mitigation Measures under this Staff-Initiated Text Changes and Errata section, pp. C&R-177 to C&R-183.

REVISIONS TO CHAPTER VI, ALTERNATIVES

The following text revisions in Section VI, Alternatives, reflect the updated analysis of intersection impacts and feasibility and implementation of mitigation measures per the revised Transportation Report and Draft EIR Transportation Section. The text changes clarify the EIR discussion, but do not change overall conclusions on significant adverse effects.

The second paragraph on p. VI-2, under the section entitled "Analytic Approach," has been revised as follows:

In formulating the project alternatives, this report uses the CEQA standard of analyzing alternatives that would lessen potentially significant project effects and whose effects can be reasonably ascertained. Implementation of the Project would result in significant and unavoidable impacts associated with urban design and visual quality, as well as traffic. Specifically, the Stadium Development Retail/Entertainment Center would have the greatest visual impact on short-range views within the Candlestick Point Activity Node. The Stadium

Development Retail/Entertainment Center would be closer to the adjacent neighborhood to the northwest, and would obstruct scenic views of the bay looking southeast along Gilman Street. The proposed Stadium Development Retail/Entertainment Center would block some shoreline and bay views from ~~residences at the St. Francis Bay Condominiums on the southern side of Bayview Hill,~~ and would also change the visual character of the Candlestick Point State Recreation Area, as a portion of the recreation area would be used for parking. As no mitigation measures have been identified to reduce the impacts to scenic views of the bay from the Stadium Development Retail/Entertainment Center to a less-than-significant level, these are considered significant, unavoidable visual impacts to scenic views of the Bay.

The last paragraph on p. VI-2 to the top of p. VI-3, under the section entitled "Analytic Approach," has been revised as follows:

In the weekday PM peak hour the additional trips generated by the Project would deteriorate levels of service to unacceptable levels at two study intersections, and would contribute to substantial delay at four intersections:

- Third Street/Cesar Chavez Street (LOS F, increase in delay);
- Third Street/Evans Avenue (from LOS DE to LOS EF);
- Bayshore Boulevard/Paul Avenue (from LOS D to LOS F);
- Bayshore Boulevard/Silver Avenue (LOS F, increase in delay); and
- ~~Bayshore Boulevard/Industrial Way/Aleman~~y Boulevard (increase in delay); and
- Cesar Chavez Street/Evans Avenue (LOS F, increase in delay).

The intersections of Third Street/Cesar Chavez Street, ~~Third Street/Evans Avenue, Bayshore Boulevard/Silver Avenue, Bayshore Boulevard/Industrial Street/Aleman~~y Boulevard, ~~Evans Avenue/Cesar Chavez Street~~ would be considered to have a significant unavoidable impact since no mitigation is available to improve LOS to an acceptable level.

In addition, the freeway segment of northbound US 101 and south of I-280 would be considered a significant and unavoidable impact as no feasible mitigation is available.

The first paragraph under "Transportation and Circulation," p. VI-6, with regards to the No Project Alternative section, has been revised as follows:

Future conditions with the 2025 Base Case under the No Project Alternative are is a forecast of growth in the City of San Francisco in the Year 2025 consistent with ABAG projections. The No Project Alternative (2025 Base Case) would result in LOS E or F at four ~~five~~ intersections, compared to six intersections with the Project. The No Project Alternative would result in LOS D at Third Street/Evans Avenue, compared to LOS E with the Project, and LOS D at Bayshore Boulevard/Paul Avenue, compared to LOS F with the Project. The No Project Alternative would result in a significant unavoidable impact at the intersections of Third Street/Cesar Chavez Street, ~~Third Street/Evans Avenue, Bayshore Boulevard/Silver Avenue, Bayshore Boulevard/Industrial Way/Alemaney Boulevard, and Evans Avenue/Cesar Chavez Street.~~

The last sentence of the second paragraph on Draft EIR p. VI-7 has been revised as follows:

In addition, the Stadium Development Retail/Entertainment Center would create an unavoidable increase in overall outdoor lighting levels. However, S~~imilar to the Project, these two effects would be mitigated to a less-than-significant level through Mitigation Measure 7 (described on p. IV-4), as stated on Draft EIR p. III.E-34.~~ ~~considered significant, unavoidable visual impacts to scenic views of the Bay.~~

The last sentence of the first full paragraph on p. VI-19 has been revised as follows:

In addition, the Stadium Development Retail/Entertainment Center would create an unavoidable increase in overall outdoor lighting levels. However, S~~imilar to the Project, these two effects would be mitigated to a less-than-significant level through Mitigation Measure 7 (described on p. IV-4), as stated on Draft EIR p. III.E-34.~~ ~~considered significant, unavoidable visual impacts to scenic views of the Bay.~~

The last sentence of p. VI-17, regarding Zoning Option B Alternative, under Transportation and Circulation, has been revised as follows:

Alternative B, with substantially reduced development potential, would likely result in less intersection impacts than the Project, and slightly more impacts than the No Project Alternative. Alternative B would result in a significant unavoidable impact at ~~the intersections of Third Street/Cesar Chavez Street, Third Street/Evans Avenue, Bayshore Boulevard/Silver Avenue, Bayshore Boulevard/Industrial Way/Aleman~~y ~~Bou~~le~~vard, and Evans Avenue/Cesar Chavez Street.~~

The last sentence of the 2nd full paragraph on p. VI-24, under the section entitled Environmentally Superior Alternative, has been revised as follows:

Therefore, Alternative B would have the same significant unavoidable impacts as the Project, including those related to urban design, ~~lighting~~ and deteriorated conditions at four~~six~~ intersections and one freeway segment.

ERRATA

The following revisions not discussed in the responses above are provided for clarification purposes and do not change any analysis or conclusions in the EIR.

The first sentence of p. III.J-37 is revised as follows:

This would be considered a potentially significant impact (see Mitigation Measure 42
15

The figure on p. III.J-25 has been replaced with the correct figure. Please see the following page for the corrected figure.



TYPICAL COMMERCIAL VERNACULAR BUILDING, C. 1920



TYPICAL REVIVAL STYLE RESIDENTIAL BUILDING C. 1925

SOURCE: Carey & Company

2-3 06

Bayview Hunters Point Redevelopment Plan EIR

FIGURE III.J-6 COMMERCIAL AND RESIDENTIAL IN OAKINBA ACTIVITY NODE

APPENDIX A: COMMENT LETTERS



erry Tamminen
gency Secretary
Cal/EPA



Department of Toxic Substances Control

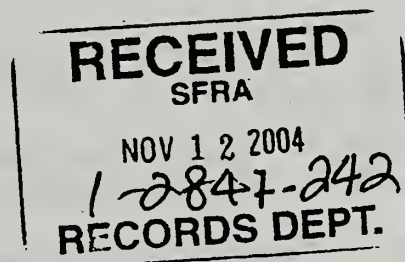
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

November 9, 2004

Mr. Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, California 94102



Dear Mr. Campos:

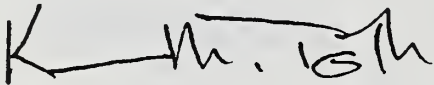
Thank you for the opportunity to comment on the *Bayview Hunters Point Redevelopment Projects and Rezoning Draft Environmental Impact Report (EIR)*, October 2004, SCH# 2003062094. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation activities which may be required to address any hazardous substances release. The project consists of a series of actions and programs to foster public and private investment and development in the Bayview Hunters Point Area.

In June 2003, DTSC completed remediation (to residential standards) of the former Bay Area Drum Site at 1212 Thomas Avenue, located in the proposed South Basin Activity Node. During the course of the remedial investigation, contamination above drinking water standards was detected in the groundwater in this area. The groundwater in this area is not used for drinking water, and is not considered to be a potential source of drinking water; however, DTSC is planning to investigate other possible sources of the groundwater contamination (primarily the volatile organic compound tetrachloroethylene or PCE) in the area.

Mr. Jose Campos
November 9, 2004
Page 2

If you have any questions regarding this letter, please contact Bill Brown of my staff at (510) 540-3841.

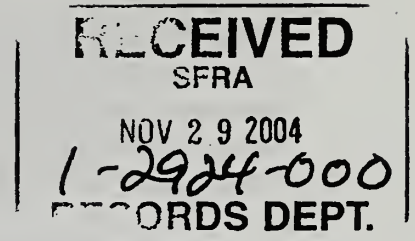
Sincerely,

A handwritten signature in black ink, appearing to read "K. M. Toth". The signature is stylized with a large "K" and a long horizontal line extending to the right.

Karen M. Toth, P.E., Unit Chief
Northern California - Coastal Cleanup Operations Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806



November 24, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, California 94102

Dear Mr. Campos:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Bayview Hunters Point Redevelopment Projects and Zoning (BVHP Project). I have had an opportunity to review the Draft EIR and have several concerns regarding the impact of the proposed project on small industrial businesses in San Francisco and especially those in the Bayview Industrial Triangle (BIT). Unfortunately I have a previously planned obligation to be out of town on December 7th and will not be able to attend the Public Hearing on the Draft EIR. Please accept these written comments. I have separated my comments into categories based on topic.

1. The Draft EIR Should Not Propose Changes to the BIT and the India Basin Industrial Park (IBIP) Project Areas

The San Francisco Redevelopment Agency (SFRA) specifically excluded the BIT and IBIP from the Survey Area. The Draft EIR includes these areas in the "Project Area" under CEQA. It is unclear how these areas can be excluded from the Survey Area, excluded from the Bayview

your pet's home away from home®

Hunters Point Redevelopment Project, yet included in the Draft EIR Project Area. The relationship between and among these different geographic designations should be clarified.

More importantly, the Draft EIR is the wrong place to be discussing amendments to the BIT and IBIP project areas. These Redevelopment Projects have existing Redevelopment Plans and amendments to those plans should be addressed through an amendment process of those Redevelopment Plans, including public involvement of the members of those Project Areas, not indirectly in a Draft EIR addressing a redevelopment project area from which those locations are excluded.

Further, because the BIT and IBIP were excluded from the survey area, residents, landowners, and businesses were precluded from voting on members to the Project Area Committee (PAC). As such, members of the PAC may or may not represent the interests of the BIT and IBIP. The SFRA based many of its decisions on how to proceed in the Survey Area based on input from the PAC. The SFRA is thus making decisions about the BIT and IBIP without seeking input from these project areas. The PAC and the Draft EIR for the BVHP Project Area are not the forums from which to seek such input.

The SFRA and the Draft EIR assume that the Amended Plans for the BIT and IBIP will complement the Final EIR for the BVHP Project Area. It is difficult to understand the basis for this assumption. The SFRA has largely been absent from the BIT since it was established in 1980. SFRA points out that "this Project Area has been largely dormant since the plan was adopted." (Draft EIR page III.A-11) The SFRA had not, at the time of publishing the Draft EIR, proposed any amendments to the 1980 BIT Plan or held any public meetings regarding the future of the BIT. The Draft EIR fails to address what will happen should the Amended Plan for the BIT not conform to the SFRA's thoughts about the future of the BIT as set forth in Draft EIR. This issue is particularly pertinent as the October 21, 2004, Draft Amendment to the BIT Redevelopment Plan does not conform to all of the land use notions presented for the BIT in the Draft EIR. The Draft EIR fails to articulate any basis to decide between potentially competing ideas in the Draft EIR and an eventual amendment to the BIT Project Plan. It should be clearly stated that the businesses and residents in the BIT should have a voice in determining land use and redevelopment issues within the

BIT.

2. The Draft EIR Fails to Adequately Address Concerns of Production, Distribution and Repair Facilities.

The Draft EIR fails to adequately resolve the concerns of Production, Distribution and Repair Facilities (PDR). The Draft EIR includes language indicating the need to retain a diverse economy but implementation of the Draft EIR's land use changes would result in a substantial loss of PDR jobs, economic diversity, and economic stability. The Draft EIR states "[s]pecial emphasis would be placed on increasing residential development in a manner that successfully integrates PDR businesses that are needed to maintain a diverse economy ..." (Draft EIR Page S-4). Yet at the same time, the Draft EIR states that one of the "Areas of Controversy and Issues to Be Resolved" includes the need to "[c]onserve existing housing and provide new housing, while retaining necessary PDR uses that support a diverse local economy." (Draft EIR, Page S-48) It is disappointing that the "special emphasis" the Draft EIR brought to bear on the PDR issue could not resolve this issue.

The Draft EIR articulates the desire to allow mixed-use development and housing on the entire length of Third Street while establishing buffers between these uses and incompatible Core PDR uses located off of Third Street. The Draft EIR provides that "[n]ew residential development would be encouraged in appropriate locations along Third Street to take advantage of the transit-oriented development opportunities by the new Third Street LRT." (Draft EIR page II-13) The Draft EIR fails to define "appropriate locations" and how to avoid conflicts between land useages. The Draft EIR fails to adequately consider that blocks adjacent to Third Street are not uniform. The lack of uniformity is particularly apparent in the BIT.

The Draft EIR makes a gesture to the potential conflict in the BIT where it states that "[s]pecifically, in the BIT Area, light PDR zoning (buffer district) would be established between Fairfax and Jerrold Avenues, and between Phelps and Third Streets (excluding the Third Street frontage parcels) The industrial zoned areas would be converted to PDR zoning, which allows Core PDR land uses." (Draft EIR Page II-14) The Draft EIR fails to address that within certain portions of the BIT there is no non-PDR property to use to establish the buffer zone. The Draft EIR would allow Core PDR activity near the Southeast Water Treatment Control Plant (Plant) and housing on Third Street (Draft EIR page III.B-18). The Draft EIR neglects to discuss that in certain areas within the BIT there is only 1 block (2 parcels of land) between the Facility and Third Street. To place a Core

PDR facility next to the Plant and a residential unit on Third Street means there is no buffer between a Core PDR and a residential user. The Draft EIR would increase rather than decrease the tension between PDR and residential users.

The failure to establish adequate buffers will, for example, subject existing PDR businesses to claims of nuisance based on currently acceptable noise generation. Current acceptable noise levels at property line for PDRs is 70 dBA (Draft EIR Page III.1-8) Acceptable noise level at the property line for residential use is between 50 and 60 dBA (Draft EIR Page III.1-7). "Noise level, which exceeds the ambient noise level by 5 dBA or more, as measured at an affected receptor's property line, is deemed a *prima facie* violation of the Ordinance." (EIR Page III.1-7) Placing a residential user next to a PDR user creates a conflict of acceptable noise levels. Action must be taken to create buffer between noise and receptors (Draft EIR Page III.1-15) This is not the currently proposed action in the BIT. (Draft EIR Page III.B-17)

The Draft EIR also fails to address that certain Third Street frontage property within the BIT is currently zoned industrial. Because the SFRA does not have the funds needed to relocate businesses within the BIT, these businesses would continue to exist as new residential units are constructed immediately adjacent to these businesses. Moreover, because there are only 5 years remaining on the BIT Project Area, it is unclear if the SFRA will ever have sufficient funds to relocate PDR businesses. Implementation of the Draft EIR's plans for Third Street would again create, rather than reduce, tensions between land users.

III. The Draft EIR Will Bring About Substantial Economic Disruption

The Draft EIR would bring about substantial loss of stable, well paying jobs in the Bayview. The Draft EIR would only specifically prohibit PDR businesses on Third Street and estimates that only 12% of industrial properties will be lost in the rezoning efforts. The actual loss of PDR business and jobs will be much greater. The loss of these jobs runs directly contrary to the sentiment that PDR jobs are vital to the City and that such jobs are "projected to be a driving force in Study Area growth." (Draft EIR page III.C-4).

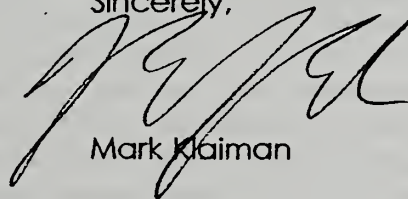
The Draft EIR assumes that the only PDR jobs lost are the ones specifically zoned out of existence on Third Street. In reality, PDRs throughout the Project Area will be lost due to the increased presence of incompatible residential units built in close proximity to PDRs. The continued pressure to have residential uses on the entire length of Third

Street precludes the continued viability of PDR business adjacent to such Third Street frontage parcels. The loss of these businesses, in addition the actual jobs and essential services lost, sends a message to all businesses that they are not wanted nor respected in San Francisco.

PDR businesses located in M1 and M2 zones because the City required them to locate there. Many of these businesses, given their option, would have located in other neighborhoods to be closer to clients, suppliers, etc. It is unfair to these business for the City to change the rules after businesses have invested in property, committed to employees, and developed relations with San Franciscans. Businesses that have played by the rules established by the City should not be penalized by the City changing the rules.

In sum, the Draft EIR puts existing PDR businesses in the untenable position of having their businesses threatened by an influx of new residential units into areas previously zoned for industrial use. The Draft EIR fails to create buffers throughout the Survey Area. The Draft EIR treats all of Third Street as if it is acceptable for residential use without addressing the lack of parcels with which to establish buffers in the Northern Gateway. The SFRA should take the steps necessary to address the differences within the Bayview rather than treating the entire Third Street corridor as acceptable to residential development.

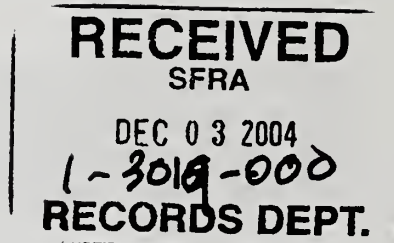
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Klaiman', written in a cursive style.

Mark Klaiman

November 26, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102



Dear Mr. Campos,

We are writing to express our concerns regarding the building of a new Home Depot store as well as the new considerations regarding rezoning Bayshore Boulevard.

We purchased our home in the Bernal Heights area of San Francisco in October of 2002 because we enjoy the small but strong community feeling of our neighborhood. We enjoy supporting the small, locally owned businesses on Cortland and Mission Streets and feel very fortunate to have the opportunity to live in this neighborhood.

The issue of redeveloping Bayshore Boulevard is very important to us because our home sits directly across the freeway from this street. Although we would support the redevelopment of Bayshore Boulevard, we would only support a plan that would not jeopardize small businesses, traffic, our health, or the welfare of working class families in San Francisco. We know that some people support opening a Home Depot because it means increased tax revenue and jobs. However, we strongly believe that the long term consequences of large, impersonal corporations can be devastating to small businesses, neighborhoods, and our community.

Thank you for taking the time to read this letter and we hope that you will consider our concerns when making future planning decisions.

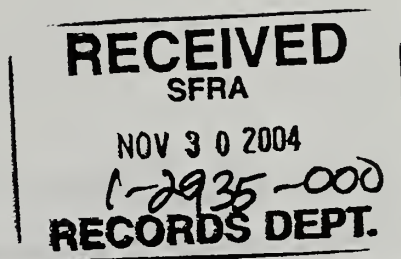
Sincerely,

A handwritten signature in cursive script, appearing to read "Courtney Tong and Scott Tsunehara", followed by a long horizontal line.

Courtney Tong and Scott Tsunehara
8 Joy Street
San Francisco, CA 94110

November 27, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102



Re: Bayshore Boulevard Zoning

Dear Mr. Campos:

I am very concerned about your considering rezoning Bayshore Boulevard to allow Big Box stores to open there. I am very firmly opposed to it.

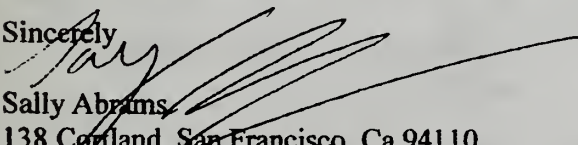
I have been living in Bernal Heights since 1985 and on Cortland Avenue since 1992. In that time, I have seen Cortland Avenue transformed from a street without a shopping district to a very busy street with many different kinds of small businesses. It has been a welcome change creating more jobs and income for the City. It has also created more traffic. There is frequently a small traffic jam when you get to the shopping district.

If you have Big Box stores on Bayshore, the traffic will be unmanageable. Cortland is a narrow 2 lane street that already is not in good repair. It was never meant to carry the kind of traffic that it will if even one Big Box store such as Home Depot opens. And while Cesar Chavez and Alemany will carry some of the traffic, Cortland will also.

If we have to have Big Box stores, then a better choice would be Third Street or Cesar Chavez near Bayview Hunters Point. However, I do question whether San Francisco needs Big Box stores at all. Big Box stores do not create well paying jobs with good benefits. They put out of business small stores such as Cole Hardware which says they will close if Home Depot opens. Many times these small stores offer just as good prices with better service and better wages and benefits to their employees but shoppers don't always price compare if Big Box stores move in. Big Box stores frequently stock merchandise made in China worsening the job situation in the United States and worsening the trade deficit. And as studies have shown, WalMart employees cannot make it on their wages (even in cities less expensive than San Francisco) and require government subsidies to survive.

I firmly believe Big Box stores have no place in San Francisco and even more strongly believe that having them on Bayshore would be a disaster for Bernal Heights.

Sincerely,


Sally Abrams

138 Cortland, San Francisco, Ca 94110
cc: Bernal Heights Neighborhood Center

Nov. 28. 2004

Jose Campos
SF Redevelopment Agency
770 Golden Gate Ave
SF 94102

RECEIVED

SFRA

NOV 30 2004

1-2934-000

RECORDS DEPT.

Dear Mr. Campos,

I am writing to express my deep concern about the proposed rezoning of Bayshore Blvd to allow for multiple Big Box stores. Throughout SF, California and the nation communities have fought these huge retailers because they destroy neighborhood and don't bring the revenue and good jobs that might justify them.

Please oppose this misguided proposal to rezone Bayshore.

Sincerely,

Mary Kathryn Morrell

425 Yates St

SF CA 94110

José Campos
SF Redevelopment Agency
270 Golden Gate Ave.

RECEIVED November 29 2004
SFRA
DEC 06 2004
1-3016-000
RECORDS DEPT.

Dear Sir -

2 wish to register my deep annoyance with the way the bureaucrats of S.F. just roll over for expansionist corporate dollars. This city is touted in the travel guides as one that is neighborhood friendly, and a great place to hang out; how the city encourages music + art, food + fashion, and has captured the flavors of other lands + languages. So rarefied!

How does this square with the square friendly Redevelopment Agency? More jobs for the squares?

Once Bernal was a low-rent, backlot kind of lazy place. No one was around to pressure a false necessity on us then - we were anonymous, almost invisible. But now - now that the area has become a real estate bonanza - the drum-beat starts. We were voiceless, but now we bring strong opinions + we don't like square gargantuan boxes at the foot of The Mill. I don't like it; my neighbors don't like it, and the organizations don't like it. Re-zoning : NO!
Home Depot : NO!

We do like our local businesses, and we have enough traffic now.

Copy to - Bernal Heights
Neighborhood Center

Sincerely,
Laura Pittman
1827 Alabama ST
94110



"BRUCE BALSHONE"
<brucebalshone@hotmail.co
m>

11/29/2004 05:52 PM

To Jose.Campos@sfgov.org

cc

Subject Support of Re-zoning of Bayshore Blvd. to large Commercial

November 29, 2004

Mr. Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA. 94102

Dear Mr. Campos:

As a long time Bernal Heights resident, it has come to my attention that the San Francisco Planning Commission, on December 2, will be considering a re-zoning of the former Goodman's Lumber Site (on Bayshore Blvd. and Cortland Ave.) in San Francisco to Large Commercial.

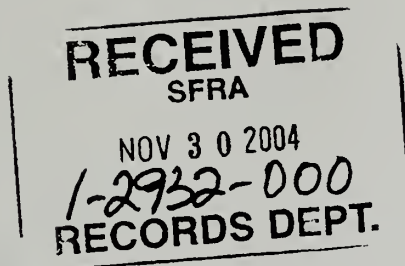
I am strongly in support of such a re-zoning. The reasons I support this re-zoning is because the property exists in a industrial neighborhood. If the property is redeveloped with such a large commercial user such as home Depot, Orchard Supply, or a Loews it would stay consistent with the character of the neighborhood. The project site has formerly housed a home repair center. Such a use would generate a great amount of employment opportunities for residents in the area as well as generate a large amount of sales tax to the City and County of San Francisco.

Thus, I urge the Planning Commission to re-zone the property to Large Commercial.

Please forward my commentary to the San Francisco Planning Commission when they consider action on the re-zoning of the Bayshore property.

Sincerely,

Bruce Balshone
170 Winfield Street
San Francisco, CA. 94110



Aryeh Frankfurter
205 Ellsworth Street
San Francisco, CA 94110

11-29-04

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

Dear Mr. Campos,

I am writing you to submit my strongest and most strenuous objections to the proposal by the San Francisco Redevelopment Board to rezone Bayshore Boulevard into a "Large Industrial" or "Big Box Alley" area.

The environmental, economic and social impact of such zoning would be catastrophic. Currently, Bernal Heights - the neighborhood situated just above Bayshore - is a jewel among the neighborhoods of San Francisco. This neighborhood represents the best of San Francisco - a community of middle income families and small businesses serving the diverse needs of a diverse community.

Cortland Avenue, the main thoroughfare that run through Bernal Heights, would become a wall to wall parking lot of cars moving to and from Mission/I 280 to Bayshore and I101. The pollution from car exhaust would severely impact the children who play in the Community Park and prohibit the free flow of pedestrian foot traffic that currently exists. Small family owned businesses would almost certainly be devastated. While the temptation to bring in such large businesses would appear to be economically beneficial to the City in the form of sales tax and job opportunities, please consider that the loss of money flowing out of SF to the headquarters of such businesses and the low, sub-par wages paid by such corporations more than offsets such benefits.

Lastly and most importantly, San Francisco has always stood out as a "different" city whose vital character depends on small communities and small businesses - not generic, big box, cookie cutter multinational conglomerations. We need to preserve our City's character! Putting in a Big Box Alley center in San Francisco would be devastating to everything that brings us together and makes us one of the truly great City's of the World.

Please - I urge you to not rezone this area and to consider countless other socially, economically and environmentally friendlier alternatives.

Thank you for your attention and consideration.

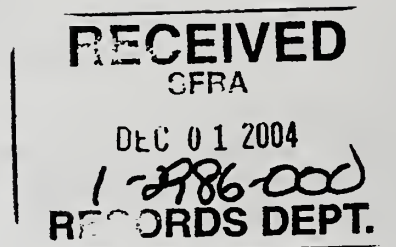
Sincerely,

A handwritten signature in black ink, appearing to be "Aryeh Frankfurter", written in a cursive style.

Alyson Jacks
325 Banks Street
San Francisco, CA 94110
415-648-4042

November 29, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102



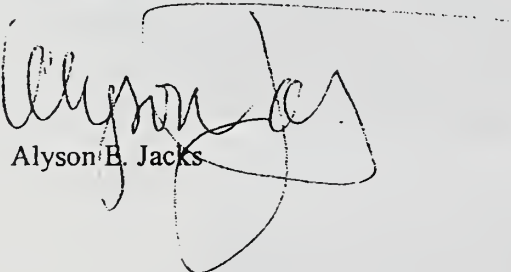
Dear Mr. Campos:

I am writing to express my concern about a proposed plan to rezone Bayshore Boulevard to Large Commercial zoning. This change would be devastating for the Bernal and Mission neighborhoods with regards to environmental impact (traffic, air and noise pollution). In addition, small businesses along the Bayshore/Industrial corridor would be greatly harmed.

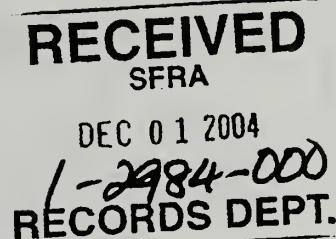
There has got to be a better, more neighborhood friendly approach to developing this part of San Francisco. Big Box stores are not the solution.

I ask the San Francisco Redevelopment Agency to vote no on this proposed plan to rezone the Bayshore/Industrial corridor to Large Commercial.

Thank you.


Alyson E. Jacks

Wendy Miller
325 Banks Street
San Francisco, CA 94110
415-648-4042/home
415-648-8514/work



November 29, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

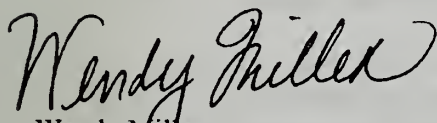
Dear Mr. Campos:

I am writing to express my concern about a proposed plan to rezone Bayshore Boulevard to Large Commercial zoning. This change would be devastating for the Bernal and Mission neighborhoods with regards to environmental impact (traffic, air and noise pollution). In addition, small businesses along the Bayshore/Industrial corridor would be greatly harmed.

There has got to be a better, more neighborhood friendly approach to developing this part of San Francisco. Big Box stores are not the solution.

I ask the San Francisco Redevelopment Agency to vote no on this proposed plan to rezone the Bayshore/Industrial corridor to Large Commercial.

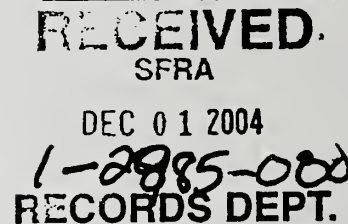
Thank you.


Wendy Miller

William Davidson
402 Prentiss St.
San Francisco, CA 94110

November 30, 1994

Mr. Jose Campo
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102



Dear Mr. Campo:

While the Draft EIR of the Bayview Hunters Point Redevelopment Project may have many good proposals for the area east of Bayshore Blvd., I am very concerned about the possibility of rezoning Bayshore Blvd., from Industrial St. to Cesar Chavez St., to Large Commercial. The negative environmental impacts of such a rezone to the Bayview Hunters Point area would be relatively unnoticeable. But at the same time, those negative impacts to the Bernal Heights neighborhood would be devastating.

Goodman's Lumber was located at the foot of Cortland St. for many years and its environmental impacts were negligible to Bernal Heights. A Home Depot or any other "Big Box" retailer located on that stretch of Bayshore Blvd. would introduce traffic gridlock, pollution, and threaten small businesses throughout the adjacent areas. And, such a rezone would create the possibility of there being more than one huge retailer located on that portion of Bayshore Blvd. The negative impacts would then become exponential.

I can appreciate San Francisco's need for additional tax revenue from new sources. However, that need should not override good planning. The negative environmental impacts that would be created by the rezone of Bayshore Blvd. should be given a huge amount of weight during your deliberative process.

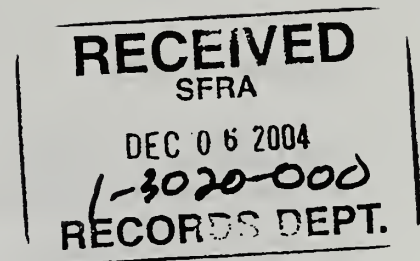
Sincerely,

A handwritten signature in cursive script that reads "W. B. Davidson".

Bcc: Viola Morris, Bernal Heights Neighborhood Center

December 1, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102



Dear Mr. Campos:

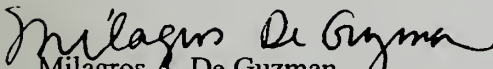
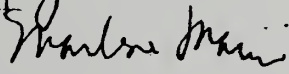
Do we need Home Depot and other large commercial establishments in our neighborhood? We say a resounding "No!"

Bernal Heights is near a freeway and residents could easily get to a Home Depot and other similar stores within 10-15 minutes. We are therefore very concerned about efforts to rezone the Bayshore Boulevard corridor as a designated area for "big box" stores. Imagine the traffic and congestion that will result from this plan, a superfluous addition of businesses that our residents do not really need. Instead, how about proposing affordable housing that could alleviate the housing shortage in San Francisco and small businesses that have been found to boost a country's economy.

Please consider the priorities of the Bernal Heights community in your deliberations about the proposal. Our quality of life is not determined by the number of "big box" stores within walking distance, but rather by our ability to enjoy our neighborhood without pollution, traffic, and congestion. Please help us preserve the safety and peace in our neighborhood by voting down the proposal.

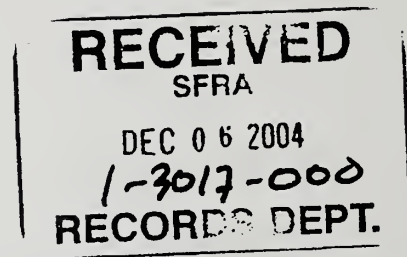
Thank you for your attention to this matter.

Sincerely,


Milagros A. De Guzman
Marlene Marin 
619 Andover Street
San Francisco, CA 94110

December 1, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Ave.
San Francisco CA 94102

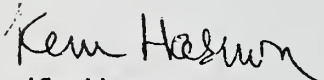


Dear Mr. Campos:

I am very concerned to hear of the efforts to rezone the Bayshore Boulevard corridor as a designated area for "big box" stores. Despite this area's industrial nature, it is surrounded by a large residential area that will be negatively impacted by this proposal. We have already had a strong reaction against bringing in the Home Depot store.

The traffic impact on the neighborhood, alone, would be devastating to our community. The City, and our community, would much more benefit from the development of this area for affordable housing and smaller commercial ventures.

Thank you for your attention to this matter.


Kim Harmon
637 Andover Street
SF 94110

624 Andover Street
San Francisco, CA 94110
December 1, 2004

RECEIVED

SFRA

DEC 06 2004

1-3018-000

RECORDS DEPT.

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

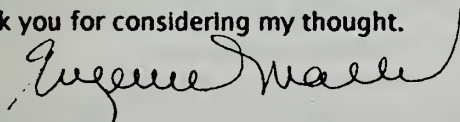
Dear Mr. Campos,

I am disappointed that the Bayview Hunters Point Redevelopment Project is looking to create a situation on the edge of their district which would have profound negative impact on Bernal Heights.

I must protest consideration of a "Large Commercial" zone on Bayshore Boulevard. The effect of the traffic congestion would harm a wonderful neighborhood. We would be glad to see smaller commercial spaces along this corridor. They would enhance our community, both districts and the city.

Let's move past this belief that big boxes add to anyone's community. San Francisco is too small to tolerate such development. Let's see consideration of small commercial spaces or even housing units.

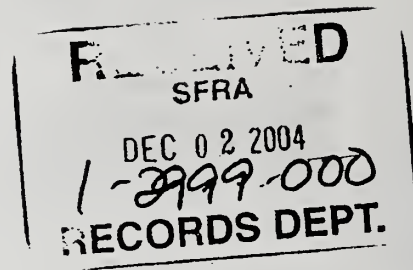
Thank you for considering my thought.



Eugene Marek

281 Nevada St.
San Francisco, CA 94110
December 1, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Ave.
San Francisco, CA 94102



Re: Proposal to Re-zone Bayshore Boulevard

Dear Mr. Campos:

Please accept my disapproval of re-zoning Bayshore Boulevard to "Large Commercial." The proposal will dramatically and negatively affect the neighborhood and San Francisco.

Large commercial stores are not appropriate for San Francisco, especially in a neighborhood characterized by single-family dwellings and small businesses. Such large commercial stores are better placed in so-called suburbs or ex-urbs where land is plentiful and expansive parking available, but not within the city limits of San Francisco where space is at a premium or within a neighborhood of single-family dwellings. (Large commercial warehouse-sized stores, such as Target, Home Depot and Toys-R-Us, already exist a ten minute drive away.) Traffic-jams of trucks and cars and the resulting pollution will hurt the community.

People sometimes assume large commercial zoning will provide jobs, but the answer to the issue of providing jobs is not to build a store but to provide education. Corporate stores owe a fiduciary obligation to their stockholders, not to the surrounding residents, neighborhoods or community. Consequently, large corporate stores hire employees at the lowest possible cost with as few health and other benefits as possible. Corporate or large commercial stores have no obligation to employ from the neighborhood.

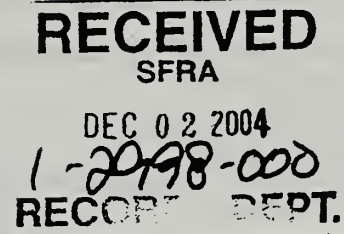
A more feasible answer to the issue of San Franciscans needing jobs is to provide education. Better uses include a school where students could earn degrees or licenses in electrical engineering, plumbing, or carpentry, for example. Or, the space could be dedicated to youth services, such as a club-house with a park and playing fields to provide a real alternative to unstructured free time. Or the space could be used as a senior center or a combination of education, youth and senior services.

Land development with a goal and effect of benefitting the community takes time and effort. Please develop the land to benefit the community instead of profiting stockholders of large commercial stores. Thank you for your attention.

Sincerely,


Edward G. Myrtle (415)695-0455

Moli Steinert
148 Bocana Street
San Francisco, CA 94110



December 1, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Ave.
San Francisco, CA 94102

Dear Mr. Campos:

This letter is to voice my strong opposition to the Home Depot application to locate on Bayshore Boulevard in San Francisco.

I am a 10 year resident of Bernal Heights and I feel strongly that our neighborhood will be compromised by the location of this large commercial store. I do not want Bayshore to turn into a big box alley. It will most certainly add more congestion to Cortland Avenue which is already seeing back up traffic. This small neighborhood is not designed for this kind of commercial activity.

I am very happy with small hardware establishments, like Cole Hardware on Mission Street and would hate to see a company like Home Depot take over our neighborhood and take away from the small neighborhood ambiance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Moli Steinert". The signature is written in a cursive, flowing style.

Moli Steinert

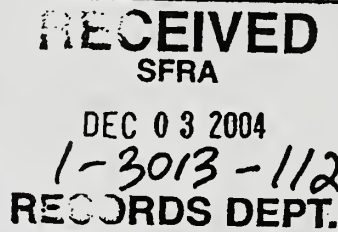
415-695-1965
molis@mindspring.com

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929



*Flex your power!
Be energy efficient!*



December 2, 2004

SF101177
SF-101-1.77
SCH# 2003062094

Mr. Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

Dear Mr. Campos:

Bayview Hunters Point Redevelopment Projects and Rezoning: Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review for the above-referenced project. We have reviewed the DEIR and offer the following comments:

Traffic Generation:

According to the DEIR, the project will generate a substantial number of daily vehicle trips (32,926 In/32,927 Out). As specific projects are proposed as components of this overall development, the Department's chief concern will be the traffic impacts of these projects on the State Highway System. **Section III. D. Transportation** provides only a general overview of traffic impacts, largely on City streets. We would therefore appreciate the opportunity to review the *Bayview Hunters Point Redevelopment Plan EIR Traffic/Transportation Report* referenced on page III.D-25.

Encroachment Permit:

Any project-related work or traffic control occurring within the State's right of way (ROW) will require an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation and five (5) sets of plans clearing indicating State ROW must be submitted to the address below:

Sean Nozzari, District Office Chief
Office of Permits
California Department of Transportation, District 4
P. O. Box 23660
Oakland, CA 94623-0660

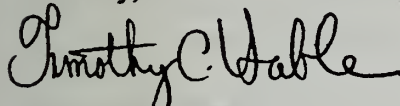
"Caltrans improves mobility across California"

Mr. Jose Campos
Page 2
December 2, 2004

Additional information on permits is available at <http://www.dot.ca.gov/hq/traffops/devloperserv/permits>.

Should you require further information or have any questions regarding this letter, please call Janine Abernathy at (510) 622-5487.

Sincerely,

A handwritten signature in black ink that reads "Timothy C. Sable". The signature is written in a cursive style with a large, stylized 'T' and 'S'.

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

Peter Leaf
353 Winfield St.
San Francisco CA 94110

12/4/2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Ave.
San Francisco CA 94102

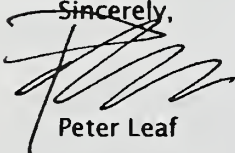
Jose Campos,

I want to state my opposition to the plans of the Agency to turn Bayshore Boulevard into a "big box alley" for the benefit of several large corporations and to the detriment of the Bernal Heights neighborhood which will bear the brunt of the impact of increased traffic, pollution, and other negative effects.

I know that the City wants more tax revenue, but this is a poor way to achieve this end. The effect of these big box businesses is homogenization of general culture and the driving down of wages of the working class residents of the surrounding neighborhoods. I don't think this is what we want here in San Francisco. Let it go to the suburbs if they want it, but not here!

Thank you for your interest in this matter!

Sincerely,



Peter Leaf

RECEIVED
SFRA

DEC 06 2004

1-3021-000
RECORDS DEPT.

December 5, 2004

Lynne M. Eggers
221 Mullen Ave.
San Francisco, Ca. 94110

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Ave.
San Francisco, Ca. 94102

Dear Mr. Campos:

Because item 17 (1996.546E Bayview Hunters Point Redevelopment Projects and Rezoning) on the 12/2/04 agenda was delayed, I was unable to remain at the hearing. My understanding of one ramification of these proposals is that Bernal Heights would be impacted greatly. Yet, I believe that an environmental impact report which addresses the impact of these changes on the Cortland Ave./Bayshore Blvd. intersection and on Bernal Heights as a whole has not been done. This requires attention.

I have lived and owned a home on Bernal Heights for twenty seven years. I've enclosed a letter that I sent to The Examiner earlier this year outlining my concerns about construction of a gigantic Home Depot on Bayshore Blvd. Now – there is the even worse prospect of an entire stretch of large commercial businesses running along Bayshore Blvd. south of Cesar Chavez St.- our very own BIG BOX ALLEY. Even though the overall plan may have many benefits, I believe that our neighborhood has been ignored in terms of the negative impact this change would undoubtedly produce.

Hospital curve is already overly congested – what will this area be like with many new businesses along this corridor? Think Ikea in the East Bay! Think gridlock on Highway 101 and the 280 Freeway. Think even more traffic travelling across Cortland and Cesar Chavez St.. Think idling cars spewing exhaust into the neighborhood. Think busses being slowed down because of congestion. Think neighborhood businesses going out of business because of the unfair competition of big businesses. Think businesses that do not allow unions, do not provide adequately for their workers, and ultimately, do not serve the community. Is this good planning?

I believe the Board of Supervisors passed legislation to block the largest big box stores (120,000 square feet). It was bad enough that Home Depot was apparently excluded from this legislation even though it is nearly double this square footage. Please take Bernal Heights residents into consideration as you continue this planning process. I would appreciate updates on this matter. Thank you.

Sincerely,



Lynne M. Eggers

Subj: Response to Big-box bluster opinion:
Date: 4/21/04 9:44:16 PM Pacific Daylight Time
From: ELYNNE600
To: letters@examiner.com

I'm glad that the Board of Supervisors is considering legislation to block the largest big box stores (120,000 square feet). Many Bernal Heights residents are also very opposed to the proposal for a 230,000 sq. ft. Home Depot on Bayshore Blvd. at the foot of Cortland (154,000 sq. foot store plus 5 story parking garage). Traffic will clog Cortland, Caesar Chavez, Bayshore, plus the 280 and 101 exchanges. Air quality and health will suffer.

Does San Francisco want businesses with anti-union policies that decline federal accounts so they don't have to follow anti-discriminatory guidelines? Do we want to drive out community owned businesses and trade those jobs for new, low-wage jobs?

Bernal Heights residents have already fought this proposal for three years and the case by case consideration you suggest forces neighborhood groups to battle against huge national businesses who care little for the community. It appears you would prefer residents to be driven from the city instead of national chains that take our money and run!

Lynne Eggers
San Francisco
(415) 647-4490

December 6, 2004

VIA HAND DELIVERY

Mr. Jose Campos
Planning Supervisor
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

Re: **Bayview Hunters Point Redevelopment Projects and Zoning**
Draft Environmental Impact Report
Comments from San Francisco Forty-Niners
Our File No.: 1922.01

Dear Mr. Campos:

Our office represents the San Francisco Forty-Niners ("49ers"). The purpose of this letter is to transmit the 49ers's comments on the Draft Environmental Impact Report for the Bayview Hunters Point Redevelopment Projects and Zoning ("DEIR").

DEIR References to Stadium/Retail Project at Candlestick Point

The DEIR assumes the future development of the Stadium Development/Retail/Entertainment Center, consistent with Propositions D and F as passed by the San Francisco voters in the June 1997 election ("Stadium/Retail Project"). Through those ballot measures, the San Francisco voters approved the development of a state-of-the-art professional football stadium and retail shopping and entertainment center, and created the Candlestick Point Special Use District.

The DEIR identifies two urban design and visual impacts that are related to the future development of the Stadium/Retail Project: (1) scenic views, and (2) lighting. Based on the lack of precise information about the future Stadium/Retail Project at this time, and even assuming that the description used in the DEIR is correct, the DEIR cannot properly identify these impacts as "significant."

The design of the Stadium/Retail Project is not known at this time. Once the Stadium/Retail Project has been designed, a project-specific environmental impact report will be prepared. That would be the appropriate instrument for the examination of potential environmental impacts of the Stadium/Retail Project.

Mr. Jose Campos
December 6, 2004
Page 2

Views (Urban Design and Visual Quality)

According to the DEIR, the Stadium/Retail Project would: (1) obstruct scenic views of the bay looking southwest along Gilman Street, (2) obstruct some scenic views of the shoreline and bay views from residences at St. Francis Bay Condominiums on the southern side of Bayview Hill, and (3) would change the visual character of the Candlestick Point State Recreation Area. (S-9, VI-2). The DEIR states that "no feasible mitigation measures have been identified to reduce the impacts to scenic views of the bay from the Stadium Development Retail/Entertainment Center to a less-than-significant level". (III.E-33).

The Stadium/Retail Project that was approved by the voters in June 1997 allows construction of a stadium up to 200 feet in height. The exact height and design is unknown, and majority of details about the retail component is unsettled. On that basis alone, it is premature to conclude what, if any, scenic views the Stadium/Retail Project would obstruct.

Moreover, in Bowman v. City of Berkeley, the court opined that the intent of CEQA is not to require an EIR where the sole environmental impact is the aesthetic merit of a building in a highly developed area. ((2004) 122 Cal. App. 4th 572, 592). The court continued that to hold "otherwise would mean that an EIR would be required for every urban building project that is not exempt under CEQA if enough people could be marshaled to complain about how it will look". (Id.)

In fact, we know of no previous instance where the effect on a private view (*i.e.* St. Francis Bay Condominiums) has been determined to be a significant impact in an EIR for a San Francisco project. As currently written, the DEIR stands the public interest in views on its head by determining, for the first time we know of, that Recreation and Park Department property mars views from private property.

Lighting (Urban Design and Visual Quality)

According to the DEIR, a new source of light from the retail component of the future Stadium/Retail Project could adversely affect adjacent properties, and is considered in the DEIR to be a significant and unavoidable impact. (S-6). A mitigation measure No. 7 was identified as capable of reducing the lighting impact of the retail component to a less-than-significant level. (S-34, III.E-34 and IV-4).

As already discussed, the Stadium/Retail Project has not yet been designed, so it is impossible to state whether new light from the mall component could adversely affect adjacent properties. Thus, any conclusions as to the significance of a potential impact caused by the Stadium/Retail Project are untimely and must be examined under a project-specific EIR.

Mr. Jose Campos
December 6, 2004
Page 3

Employment, Housing and Population

The DEIR also suggests that the development of the Stadium/Retail Project could "draw sales away from more typical, existing shopping centers in several Bay Area counties." (III.C-13). These so-called "effects" are not cognizable under CEQA on their own because they do not directly cause a change in the physical environment. (CEQA Guidelines §15131(a); Defend the Bay v. City of Irvine (2004) 119 Cal. App. 4th 1261).

As the DEIR itself finds, the so-called socio-economic effects of the future Stadium/Retail Project are "too speculative at this level analysis for systematic evaluation, ... , and would more properly be considered in a project-level EIR..." (III.C-13). Quite true. Moreover, if they are discussed at all under the project-specific EIR for the Stadium/Retail Project, it will only be as "secondary effects."

Finally, the DEIR states that the development of the Stadium/Retail Project would create approximately 2,720 new jobs. (III.C-13). It is too early to say with certainty. Any and all references to the potential impacts caused by the future Stadium/Retail Project on employment, sales tax revenue, housing and population are necessarily speculative at this time, and therefore should be deleted from the DEIR.

Summary

The DEIR now under consideration by the City must not overreach in accounting for the future Stadium/Retail Project. The potential environmental impacts of that future project will be studied in a project-specific EIR. This project-specific EIR will include a sufficiently detailed project description to allow the lead agency under CEQA to make determinations regarding potential environmental effects.

Very truly yours,

REUBEN & JUNIUS, LLP



James A. Reuben

Mr. Jose Campos
December 6, 2004
Page 4

cc: Paul Maltzer, Environmental Review Officer
Michael Rice, EIP
Michael Cohen, Mayor's Office of Economic Development
Jesse Smith, Office of the City Attorney
Amy Brown, Office of the City Attorney
Larry MacNeil, 49ers
Ed Goines, 49ers
John Wasson, 49ers
Steven Kay, Law Offices of Kay & Merkle

FRIENDS OF ISLAIS CREEK
6 Hillview Court, San Francisco 94124
415 826 5669

Jose Campos
Planning Manager
SAN FRANCISCO REDEVELOPMENT AGENCY
770 Golden Gate
San Francisco

Re: **Bayview District Draft Environmental Impact Report and Proposed Zoning
Islais Creek Environs Alternative Zoning Amendment**

Dear Mr. Campos:

Mission Creek and Islais Creek are our City's two natural creeks. Both were abused and ignored for generations. The development plan for Mission Bay recognized the importance of Mission Creek as an open space and public access amenity. Promenades will be built on both sides along with housing will to allow people to enjoy the creek full time.

With new development plans for the Bayview District we have the opportunity to breathe life into Islais Creek. Islais Creek is the northern gateway to the Bayview so its importance is both physical and symbolic. At present people entering the Bayview get the impression of a derelict waterway with warehouses when residents of the Bayview would prefer the image of a vibrant community where people live and work—and cherish their natural resources.

The Friends of Islais Creek has been working to improve Islais Creek and its environs for 16 years. We have cooperated with project developers, mostly public agencies so far, to direct mitigation funds to public access around the creek. But new projects have been slow to develop and there has been no economic incentive to upgrade existing facilities.

Without zoning incentives to attract more intensive uses the Islais Creek environs will degrade rather than improve. In recent years, we have been besieged by criminals who use the creek environs for the production and sale of drugs, as a resource for metals to sell (destroying public property that takes us months to afford to restore), and as safe haven from arrest warrants. Despite close cooperation with SFPD this has been discouraging to businesses and visitors alike.

For several years in a row we have presented master plan ideas to the Planning Commission for rezoning of the environs to allow a mix of residential and industrial uses. While individual commissioners have applauded our idea to establish CC&Rs that would prescribe compatibility between two distinct uses Planning staff have been adamant about "preserving industrial jobs".

We not only want to preserve industrial jobs, but increase employment opportunities in the Bayview. Our master plan for rezoning proposes to increase industrial jobs in sectors that want to be located within San Francisco itself (and which build upon nearby existing resources) while developing much needed and desirable housing. We would be pleased to share our ideas with you and have enclosed a copy of an early master plan for reference.

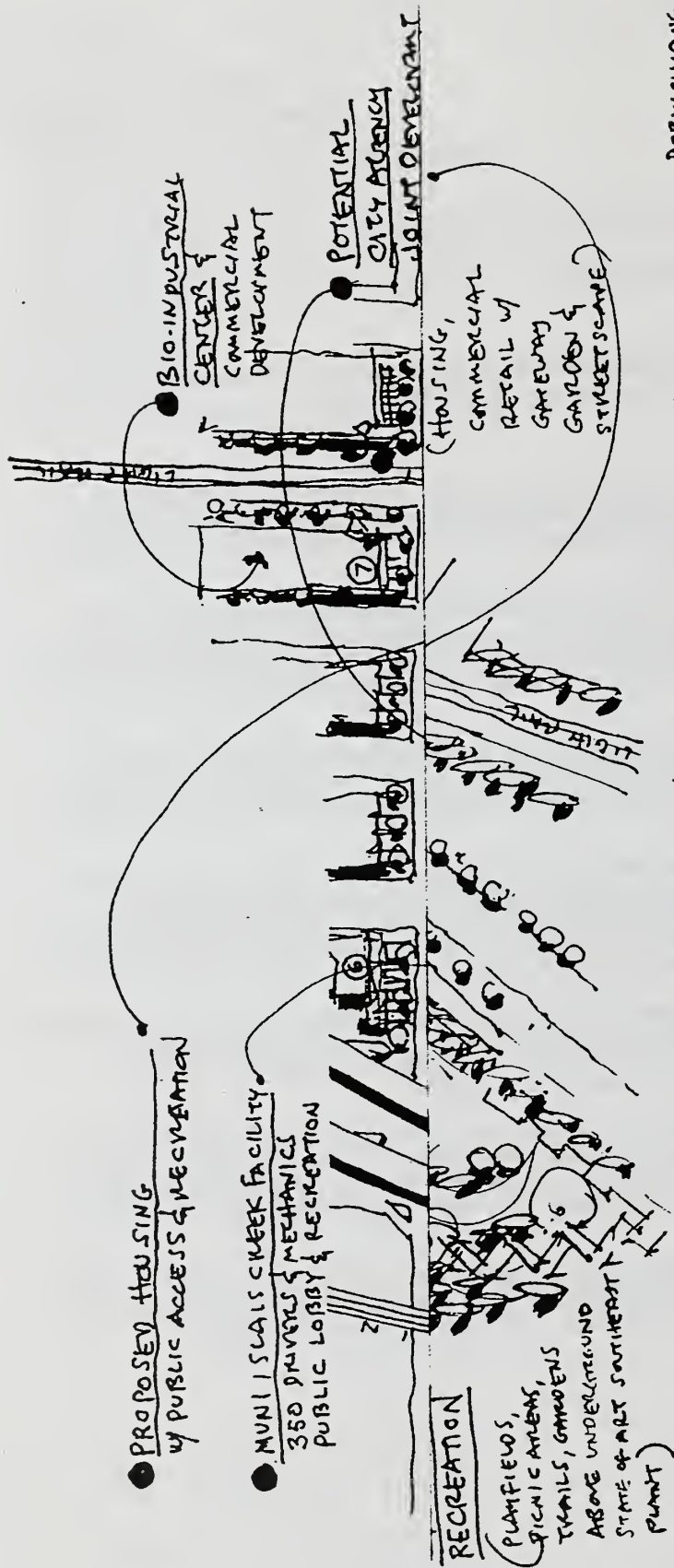
We recognize the complexity of developing an EIR and zoning plan for such a diverse district so we are not opposed to the document in general. We urge SFRA and the Planning Department to consider alternative zoning for the Islais Creek environs and hope that this could be established in an amendment.

Very truly yours,
FRIENDS OF ISLAIS CREEK



Robin Chiang
President

7 December 2004



ISLAIS CREEK AREA PLAN A WORKING DOCUMENT

FRIENDS OF ISLAIS CREEK, GILLVIEW COURT, SAN FRANCISCO 94124

ROBIN CHIANG

MARCH 2002

*Creating, Enhancing and Protecting
the Unique Beauty and Livability of San Francisco*



Jose Campos
Planning Division Manager
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

December 7, 2004

Dear Mr. Campos,

San Francisco Beautiful (SFB) is a long-standing civic improvement organization whose mission is to create, enhance and protect the unique beauty and livability of San Francisco. SFB submits the following comments pertaining to the Draft Environmental Impact Report (DEIR) for Bayview/Hunters Point Redevelopment Projects and Zoning Plan. We hope to see these comments incorporated into the final plan for this area.

San Francisco Beautiful is gravely concerned that the DEIR designates land adjacent to Islais Creek to be zoned for industrial uses. Land use options -specifically residential zoning along Islais Creek- are not sufficiently evaluated. The Friends of Islais Creek produced three master plan diagrams that explore housing along Islais Creek: "Islais Creek Environs Master Plan," 1998, 2000 and 2001. These documents should be considered seriously and the potential for housing along Islais Creek discussed as a viable option in the DEIR.

Community volunteers have worked for over a decade to turn Islais Creek, once a toxic and dangerous dumping ground, into a beautiful recreational waterway used by rowers and local residents. Housing at the creek would elevate the area towards becoming a livable and safe community. Zoning this area Industrial undermines the long efforts of the Friends of Islais Creek to restore the site, and may return the Creek to the condition it was in before these dedicated volunteers took an interest in improving it.

SFB urges you to reconsider the proposed zoning at Islais Creek, consider the documents that discuss residential development, and zone for residential development along this emerging waterway.

Sincerely,

Dee Dee Workman
Executive Director
San Francisco Beautiful

Friedel Klussmann
Founder

Dee Dee Workman
Executive Director

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www.sfbeautiful.org

Gabe & Max <gabemax@rcn.com>



Gabe & Max
<gabemax@rcn.com>
12/09/2004 10:36 AM

To Jose.Campos@sfgov.org, apkcou@bhnc.org

cc

Subject Home Depot

Dear Mr. Campos:

We often drive down Bayshore Boulevard and it is sad to see it in a semi abandoned manner, however we would prefer to see housing built in place of big box retailers. We live in Bernal Heights and struggle with major arteries that create the borders of our neighborhood. Despite our narrow and congested neighborhood streets, our neighborhood is a refuge of tranquility compared to the freeways that surround us. It would be extremely detrimental to Bernal Heights if Home Depot opened at the foot of Cortland Avenue as it would dramatically increase auto traffic right in the heart of our neighborhood.

Also, we would like to preserve the retail relationships we currently have. I am Gabriel Proo and I am the Vice President on the Board of Directors for a childcare center. Companies like Cole Hardware, Floorcraft Garden Center and The Good Life Grocery have been long time supporters in our fundraising efforts. These are very good community oriented businesses that would be severely impacted by big box retailers or the traffic it generates.

Sincerely, Gabriel Proo & Max Kirkeberg
44 Peralta Avenue
San Francisco, CA 94110



LANDMARKS PRESERVATION ADVISORY BOARD

1660 MISSION STREET, 5TH FLOOR, SAN FRANCISCO, CA 94103-2414

TEL. (415) 558-6345 • FAX. (415) 558-6409

December 9, 2004

Mr. Paul Maltzer
Environmental Review Office
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

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DEC 10 2004
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Dear Mr. Maltzer:

On December 1, 2004, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the Bayview Hunters Point Redevelopment Projects and Rezoning Plan dated October 19, 2004. After discussion, the Board arrived at the comments below.

The discussion of historical resources appears to be based solely on a "windshield survey" that is, a cursory visual examination of existing buildings. However, without adequate contextual background information, no meaningful assessment can be made of these buildings. In order to serve the purpose of a programmatic EIR for this area, further research should be provided for both residential and commercial/industrial contexts. This is particularly appropriate for a broad programmatic EIR such as this.

Regarding historic residential contexts, the roles of the several Homestead Associations that were early developers in the area must be understood. Regarding commercial/industrial contexts, the various industries historically present in the area should be investigated for their importance to the local, regional, or national economy—as well as their importance as employers of local workers, and the social histories of those workers. Without such information, the historic significance of the remaining buildings cannot be adequately understood.

Sincerely,

A handwritten signature in cursive script, reading "Tim Kelley".

Tim Kelley, President
Landmarks Preservation Advisory Board

San Francisco Neighborhood
BAYVIEW
OCP
Office for Community Planning

RECEIVED
DEC 10 2004
PLANNING DEPT

09 December 2004

San Francisco Redevelopment Commission
Mr. Ramon Romero, President
770 Golden Gate Avenue
San Francisco, California 94124

Re: Bayview Hunters Point Redevelopment Plan Draft EIR/ India Basin
East India Basin, LLC proposal

Dear Mr. Romero,

During the public comment portion of the December 7, 2004, regularly scheduled meeting of the Commission, one speaker, representing the East India Basin LLC, referenced a project proposal for the Hunter's Point Shoreline Activity Node. This location is under consideration within the survey area for the Bayview Hunters Point Redevelopment Plan, and is identified as an activity node.

As I have related to the commissioners on a number of occasions in my capacity as a member of the Bayview Hunters Point Project Area Committee (PAC), the PAC has developed and utilizes a series of evaluation criteria when considering any project or development proposal for our community. In addition to the use of informational forms, they (PAC) also require committee overview and presentations by a project sponsor to the various PAC committees in order to complete such an evaluation. From information I've received in the past week, the PAC has no record of any committee meeting or presentation by the sponsoring entity or representative of East India Basin LLC, nor has there been any reference material submitted for review by the PAC.

In reviewing the most recent public press on this proposed land use, it must also be made perfectly clear to the commission that such a multi-unit development as proposed at this India Basin location is entirely inconsistent with the PAC's Concept Plan (November 2000), the Activity Node planning (2002-2004), and with the housing and density studies used as the underlying basis for the draft EIR.

As the project sponsor is and has been delinquent in engaging the BVHP- PAC in discussing such a significant proposal, any potential delay to certification of the Draft EIR by this proposal is objectionable and without merit, in my opinion. I therefore urge you to scrutinize any proposal submitted as 'approved' or 'reviewed' by the Bayview Hunters Point Community for accuracy and compliance with the community's Redevelopment representative, the BVHP-PAC, before considering the viability of such proposals.

Sincerely,



Daniel G. Dodt
Director, Bayview-OCP

CC: Hon. Gavin Newsom, Mayor
Hon. Sophie Maxwell, Supervisor, District 10
Marcia Rosen, Director, San Francisco Redevelopment Agency
Dean Macris, Director, San Francisco Planning Department
✓ Paul Maltzer, Environmental Review, San Francisco Planning Department
Executive Committee, Bayview Hunters Point Project Area Committee

Bayview O.C.P. 4634 Third Street San Francisco, California 94124
v/415.822.3007 f/415.822.0330 e/light@luxbox.com



BAYVIEW HUNTERS POINT PROJECT AREA COMMITTEE (PAC)

**1800 OAKDALE AVENUE
SUITE B, Room 8
SAN FRANCISCO, CALIFORNIA 94124
415 647 6857**

December 10, 2004

Mr. Ramon Romero
President
San Francisco Redevelopment Commission
770 Golden Gate Avenue
San Francisco, California 94124

**Re: Bayview Hunters Point Redevelopment Plan Draft EIR/ India Basin
East India Basin, LLC proposal**

Dear Mr. Romero:

During the public comment portion of the December 7, 2004, regularly scheduled meeting of the Commission, one speaker, representing the East India Basin LLC, referenced a project proposal for the Hunter's Point Shoreline Activity Node. This location is under consideration within the survey area for the Bayview Hunters Point Redevelopment Plan, and is identified as an activity node.

As we have related to the commissioners on a number of occasions, the Bayview Hunters Point Project Area Committee (PAC) has developed and utilizes a series of evaluation criteria when considering any project or development proposal for our community. In addition to the use of informational forms, we also require committee overview and presentations by a project sponsor to the various PAC committees in order to complete such an evaluation.

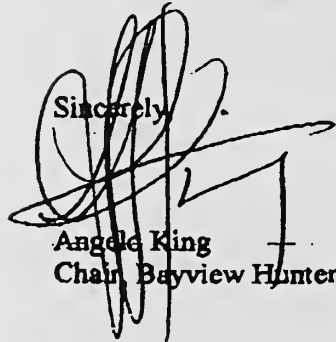
To date, the PAC has no record of any committee meeting or presentation by the sponsoring entity or representative of East India Basin LLC, nor has there been any reference material submitted for review by the PAC.

In reviewing the most recent public press on this proposed land use, it must also be made perfectly clear to the commission that such a multi-unit development as proposed at this India Basin location is entirely inconsistent with the PAC's Concept Plan (November 2000), the Activity Node planning (2002-2004), and with the housing and density studies used as the underlying basis for the draft EIR.

Page 2.

As the project sponsor is and has been delinquent in engaging the PAC in discussing such a significant proposal, any potential delay to certification of the Draft EIR by this proposal is objectionable and without merit.

Sincerely,



Angela King
Chair, Bayview Hunters Point PAC

CC: Hon. Sophie Maxwell, Supervisor, District 10
Marcia Rosen, Director, San Francisco Redevelopment Agency
Dean Macris, Director, San Francisco Planning Department
Paul Maltzer, Environmental Review, San Francisco Planning Department
Executive Committee, Bayview Hunters Point Project Area Committee

December 10, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

Dear Jose,

We received and reviewed the Bayview Hunters Point Redevelopment Plan Draft EIR and made general comments at the December 8, 2004 DEIR public hearing. We are submitting this letter to provide further detailed comments, as presented below, and appreciate your consideration of these issues.

Plans, Policies and Land Use

The DEIR references the Port's Waterfront Land Use Plan (WLUP), but acknowledges only the Port's open space sites and policies. Within the Southern Waterfront, the primary policy focus of the WLUP is to support and enhance cargo shipping and maritime uses, including its supporting transportation and infrastructure systems. An excerpt of the WLUP addressing the Southern Waterfront is attached for your information.

In light of the close proximity of the Port's activities to the BVHP Plan area, the DEIR should include a description of these maritime and industrial policies. Similarly, the land use setting and impacts discussion should account for the presence of these nearby Port industrial and maritime operations. They include marine terminals at Piers 80, 92 and 94-96 handling break bulk, liquid and bulk cargoes; one operating concrete batch plant and another two under construction near Pier 92; two sand mining and one concrete recycling facility near Pier 92; a tallow rendering plant along Amador Street; and the City's primary recycling facility at Pier 96. In addition, the DEIR should acknowledge the freight rail tracks serving the area, extending from the peninsula mainline which extends through the BVHP project area. The DEIR separately acknowledges the Port's planning efforts to develop warehouse and distribution facilities in the Piers 90-94 Backlands. The discussion of the Port's policies and existing operations is important context for the Port's efforts to pursue the warehouse facility improvements.

The DEIR should address the land use and impacts that could be generated from the proposed rezoning and potential development of residential use at Third and Cargo within this industrial area.

Transportation

The DEIR should address peninsula passenger and freight rail operations of the Caltrain Joint Powers Board and Union Pacific Railroad. Currently the Port operates freight service out of the Inter-modal Cargo Transfer Facility—a freight rail yard and staging area adjacent to Cargo Way—which follows existing tracks through the Third and Cargo Way intersection that connect with the peninsula mainline rail tracks. The Port also has commenced construction of the Illinois Street Intermodal Bridge, which will provide direct freight access across Islais Creek to Pier 80

break bulk cargo terminal, and reduce the number of trucks on Third Street. Freight movements through Third and Cargo occur mid day and in the late evening and early morning hours, past housing sites proposed in the Plan for this area. The rail tracks extend south along the existing JPB peninsula corridor, also passing by the Coca-Cola site proposed for housing in the Plan. In addition to freight rail movements, Caltrain has a Strategic Plan to increase the frequency of passenger trains. The DEIR should address this issue and include mitigation measures as necessary. The DEIR also should acknowledge the Illinois Street Intermodal Bridge project. The Port has awarded the contract for the complete design and construction of the first phase of the project, and expects the project to be substantially complete in mid-2006.

Cumulative Impacts

Our understanding of the DEIR cumulative impact analysis is that it includes an evaluation of transportation, air quality and other impacts from development activities within the BVHP Plan area as well as surrounding areas, including potential future development of the Pier 90-94 Backlands. We would appreciate an opportunity to meet with you further to better understand some of the technical details and assumptions that were incorporated into this analysis.

Hydrology and Water Quality

The discussion on the bottom of page III.M-12 describes the listing of Islais Creek as an impaired water body. Please indicate that the listing applies only to that portion of Islais Creek west of Third Street Bridge.

The report describes regulatory requirements for areas of the Port draining to separate storm sewer systems. It would be useful if Figure III.M-1 showed those areas. The discussion of drainage to Islais Creek should be amended to indicate three storm water outfalls east of Third Street Bridge conveying discharges from Piers 90 and 92. Note that all storm water runoff within Port jurisdiction east of Cargo Way and south of Islais Creek discharges directly to the Bay.

Page III.M-37 of the DEIR states that runoff to separate storm sewers within the study area flows directly to the Bay without treatment. To the extent the analysis considers storm water runoff from Port property, it should indicate that a significant quantity of runoff from the Port in areas south of Islais Creek is either treated or recycled. Port staff can provide you with details regarding specific structural storm water controls that are currently in place or under construction, as well as a map of the Port's storm water collection system for areas south of Islais Creek.

Thank you for the opportunity to comment on the Draft EIR. As indicated above, we would like to meet with you to review some of the technical details and assumptions, and also would be happy to answer any questions you may have.

Sincerely,

David Beaupre
Senior Waterfront Planner

CC. Stan Muraoka, SFRA
Byron Rhett, PSF
Diane Oshima, PSF
John Mundy, PSF



December 10, 2004

18257

Via Hand Delivery

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

**Re: Comments on Draft Environmental Impact Report for
the Bayview Hunters Point Redevelopment Project and
Zoning**

Dear Mr. Campos:

On behalf of our client, East India Basin, LLC, we are submitting these comments on the Draft Environmental Impact Report ("Draft EIR") for the Bayview Hunters Point Redevelopment Projects and Zoning. East India Basin, LLC is the sponsor of a proposed project within the Hunters Point Shoreline Activity Node, which is within the proposed Redevelopment Plan area.

For the reasons set forth in greater detail below, the Draft EIR fails to meet the letter and spirit of the California Environmental Quality Act ("CEQA") for reasons including, but not limited to, the following:

- The project description is inadequate because it substantially understates the reasonably anticipated level of development of the Hunters Point Shoreline Activity Node ("HP Shoreline Node") under the Redevelopment Plan.
- The transportation analysis is deficient since it is based on underlying data that very substantially understates the development potential of the HP Shoreline Node, even under the current Planning Code provisions.
- The Draft EIR fails to explain why certain mitigation measures are infeasible.
- The Draft EIR fails to identify and evaluate additional feasible mitigation measures that might reduce traffic impacts.
- The cumulative impact analysis is flawed because it omits our client's Project, which was "reasonable and practical" to include.

- The Draft EIR fails to incorporate the conclusions of the Bi-County Transportation Study.

Consequently, CEQA requires that the Draft EIR be revised to include this information and analysis. Furthermore, inclusion of this information would require that the EIR be re-circulated for additional public comment.

I. **Background**

East India Basin, LLC, owns an approximately 29-acre site located northeast of the intersection of Fitch Street and Innes Avenue, of which approximately 15.29 acres are developable dry land (the remaining 13.72 acres are water lots). The site is bounded generally by Innes Avenue to the south, the former Hunters Point Navy Yard to the east (Earl Street), and San Francisco Bay to the north and east. The site is currently vacant.

On October 20, 2004, we submitted an Environmental Evaluation ("EE") application to the Planning Department on behalf of our client. The EE application is for a mixed-use, water-oriented primarily residential development at the site tentatively named "Harbor Village Resort" (hereinafter "Harbor Village Project" or "Project"). As set forth in the application, the Harbor Village Project consists of the following: up to 1,611 family size residential units and/or visitor lodging use of the same units (approximately 100 units per acre of dry land); retail and/or commercial activities or facilities of up to 210,000 square feet for uses including community serving retail, non-neighborhood serving retail, entertainment, food service/restaurant and recreation. The Project may also include improvement and enlargement of the existing Bay Trail facilities along the portion of the site fronting the San Francisco Bay, including potential development of adjacent water lot properties with a beach, 250 boat slip marina and yacht club, piers, and other water-oriented recreation and open space amenities.

As described in the October 20, 2004 application, the Project's configuration includes three tall residential towers above a podium that include retail commercial space and parking for the entire complex. However, this is only one of several possible physical configurations for the proposed uses. We have submitted a supplement to the October 20th application that describes another optional physical configuration of the Harbor Village Project, including a combination of low- to mid-rise buildings, plus a limited number of high-rises (up to 160-190 feet in height). This optional configuration would be similar to the range of heights found in existing redevelopment areas such as Mission Bay, South Beach, and Fillmore. For example, allowable heights in the Mission Bay Project include basic heights of 65-90 feet with high-rises up to 160 feet.

Our client believes that the Harbor Village Project could facilitate significant mass transit improvements, particularly in the Evans-Innes corridor. These options could include inclusion of the residential units into a Mello Roos District, along with other units to be built in

the area that would impact that corridor (e.g., Hunters Point Shipyard). Transit options could include a Bus Rapid Transit ("BRT") route from the Hunters Point Shipyard to the 24th and Mission Street Bart station, with stops at key points including the Harbor Village Project, the new Light Rail at Evans and Third Streets, the future CalTrain station at Oakdale and the proposed Home Depot retail area on Bayshore. Additional transit options such as shuttle bus service and a water taxi and/or ferry service could also be a component of any new transportation plan for the area.

The proposed Harbor Village Project would provide a variety of substantial benefits to the Bayview-Hunters Point Area:

- Housing: With the Harbor Village Project, the HP Shoreline Node can provide approximately 1,400 more housing units than the Draft EIR anticipates for this area.
- Affordable Housing: Based on the increased housing development, the HP Shoreline Node can provide hundreds of additional affordable units. For example, using the 12% "on-site" inclusionary housing requirement in Section 315 of the Planning Code, the area could provide 168 additional BMR units; at the 17% "off-site" BMR rate, the area could generate almost 240 additional BMR units.
- Retail: The Draft EIR's vision for the HP Shoreline Node does not have enough population to support a significant local commercial district for the Innes Avenue corridor. The additional housing density contemplated by the Harbor View Project will be sufficient to support a critical mass of neighborhood-serving retail that will serve not only the HP Shoreline area, but also the nearby HP Shipyard.
- Support for Transportation Improvements: The density our client proposes for his site will help generate the critical mass of ridership necessary to support better transit along the Evans-Innes corridor. Moreover, our client believes that, combined with the anticipated development on the HP Shipyard, the Harbor Village Project can help provide financial support for transportation improvements such as increased transit frequency, shuttle buses, and a Bus Rapid Transit (BRT) line along the Evans-Innes corridor. Such a BRT line is already envisioned by Muni. The development of substantial additional density on the Harbor Village site and the rest of the HP Shoreline area can help provide the financial resources that will substantially advance the timing of such valuable transit improvements.
- Catalyst for HP Shoreline and HP Shipyard Development: At present, the HP Shipyard is physically isolated from the rest of the City. High density residential and commercial development of the Harbor Village site, with the associated transportation improvements, will help tie the HP Shipyard closer into the City fabric and therefore help promote and encourage development in the shipyard.

II. Deficiencies of the Draft EIR

As discussed below, the Draft EIR fails to meet the standards of CEQA. As a result, it precludes informed decisionmaking and public participation.

A. **The Project Description Is Inadequate Because It Substantially Understates the Anticipated Level of Development of the HP Shoreline Node.**

An EIR must contain an accurate, stable and finite project description. (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193 (“County of Inyo”).) “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and decision-makers balance the proposal’s benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other alternatives in the balance.” (Id. at pp. 192-193.)

“CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (Concerns Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association (1986) 42 Cal.3d 929, 936.)

Further, project descriptions, and related impact assessments, should account for reasonably foreseeable consequences of proposed projects. In Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California (1988) 47 Cal.3d 376 (“Laurel Heights I”), the California Supreme Court articulated a two-prong test to determine when such future consequences should be assessed as part of an EIR. The subject EIR was deficient for failing to address the impacts of a reasonably foreseeable future expansion of the proposed project. Under the court’s two-prong test, “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (Id. at 396.)

Page II-10 of the Draft EIR describes the Hunter Points Shoreline Node and the existing and proposed zoning in this area. Pages II-24 and 25 include tables specifying the expected net new floor area and dwelling units under the overall Redevelopment Project, and within each individual “Node”. According to Tables II-1 and II-2, the development in the HP Shoreline Node through 2025 would amount to 380,000 square feet of commercial uses and 700 new dwelling units.

The figures in the tables grossly understate the reasonably anticipated growth in the HP Shoreline Node, thus the Project description is erroneous and inadequate with respect to at least this Node. Understating the new development in this area also renders invalid and inaccurate the impact analyses based on these figures, including such subjects as transportation and air quality.

We understand that the levels of anticipated residential and commercial growth were based on forecasting by City staff that attempted to allocate the City's overall expected growth among different sectors of the City. These anticipated levels, however, grossly understate the development potential of our client's property, which includes 15+ acres of dry land and represents the largest undeveloped site in the HP Shoreline Node. Even under existing zoning rules, this one site has substantially more development potential than what the Draft EIR describes for the whole HP Shoreline Node. Under the Planning Code, our client's site has a maximum FAR of 5:1, which would permit over 2.5 million square feet of development. Moreover, with a conditional use/planned unit development, our client's site legally could be developed with up to about 1,100 residential units, plus substantial commercial uses. Both figures would be substantially larger than the Draft EIR description of the anticipated development of the entire HP Shoreline Node. Moreover, there are other sites in the HP Shoreline Node that could provide substantial additional development. For example, the Housing Authority property is likely to be rebuilt with a substantial net increase in housing under the Mayor's recently announced public-private partnership concept. Thus, the Draft EIR's Project Description substantially understates the reasonably anticipated level of development in the HP Shoreline Node area.

In addition, the HP Shoreline Node includes our client's proposed project, which includes up to 1,600 dwelling units and over 210,000 square feet of retail and other commercial space. This project concept would require an amendment of the Planning Code to allow increased density and height. The Redevelopment Agency staff were aware of our client's plans for the site for several months prior to the publication of the Draft EIR and, therefore, had ample opportunity to incorporate this additional level of development into the overall Project description. However, staff inexplicably chose to ignore this information.

We understand that City staff may have decided to ignore the implications of our client's Project because of a concern that inclusion of this information might have delayed publication of the Draft EIR. Such a concern about schedule does not provide a basis for ignoring the requirements of CEQA. In any event, we believe this information could have been included with little or no delay if the City had decided to do so.

B. The Cumulative Impact Analysis Is Flawed Because It Omits Our Client's Project, Which Was "Reasonable and Practical" To Include.

As noted above, an application for the Harbor Village Project was submitted on October 20, 2004. Moreover, the Redevelopment Agency staff were well aware of this pending application for several months prior to the publication of the Draft EIR. Since the proposed Harbor Village Project is within the area covered by the redevelopment plan project, the Harbor Village Project could be considered a significant change to the redevelopment plan project description. Even if for some reason the Harbor Village Project is not considered part of the redevelopment project, the Harbor Village Project would be considered to be significant new information or a significant change of circumstances which must be considered in the EIR's cumulative impact analysis prior to the certification of any Final EIR.

Cumulative impact analyses are legally deficient (1) when they omit projects that it was "reasonable and practical" to include, and (2) when the analysis understates "the severity and significance of the cumulative impacts." (San Franciscans for Reasonable Growth v. City and County of San Francisco (1984) 151 Cal.App.3d 61, 74-77.)

In this case, the Draft EIR is flawed because even if the additional level of development proposed by our client (over and above that permitted under the existing Planning Code) for some reason is not required to be considered part of the Project Description, it must be assessed as a cumulative impact. Given that the environmental review application has been filed, it is "reasonable and practical" to include our client's project in the cumulative analyses discussions prior to certification of a Final EIR. Since our client's project substantially exceeds the projected growth (through 2025) for the entire HP Shoreline Node, this additional cumulative growth must be identified in the cumulative impacts analyses and must be factored into the cumulative impacts where relevant, which includes at a minimum the transportation and air quality sections.

C. The Draft EIR's Traffic Analysis Is Deficient Since It Is Based On Underlying Data That Understates the Development Potential of the HP Shoreline Node.

The Transportation Analysis is based on a specified level of projected residential and commercial growth (through 2025) for the HP Shoreline Node. As noted above, even without considering our client's recent project application, the Draft EIR substantially understates the level of potential growth in the HP Shoreline Node, and therefore cannot accurately represent the likely transportation impacts. Our client's property alone could be developed with about 1,100 units under current Planning Code provisions. Therefore, given that there are other likely development sites in the HP Shoreline Node, the minimum reasonable level of development in this area would include 1,500 or more units. Since the Draft EIR's project description anticipates only 700 new units in this area, it obviously underestimates the potential transportation impacts of the redevelopment project. This deficiency is increased by the fact that

there is no cumulative analysis of the transportation impacts including the additional growth represented by our client's project.

Moreover, even based on a substantially understated level of growth in the HP Shoreline Node, the Draft EIR identifies significant intersection impacts at several key intersections that are substantially impacted by development in the Evans-Hunters Point-Innes corridor (which includes the HP Shoreline Node). Specifically, the Draft EIR's Transportation Impacts Analysis identifies significant redevelopment project impacts (or significant contribution to cumulative impacts) at the following intersections:

- Third Street/Cesar Chavez
- Third Street/Evans Avenue
- Cesar Chavez/Evans Avenue

While the BHP Redevelopment Plan's specific impacts and "cumulative" impacts at these intersections are identified as significant in the Draft EIR, the degree of impacts may be substantially understated due to the under-estimation of the reasonably anticipated growth in the HP Shoreline Node, with or without consideration of the effect of our client's proposed project.

D. The Draft EIR's Discussion of Mitigation Measures is Flawed.

The Draft EIR's discussion of mitigation measures is flawed for numerous reasons.

First, the Draft EIR concludes in the Mitigation Section that certain identified improvements to the Cesar Chavez/Evans intersection would mitigate the impacts of the redevelopment project on this intersection to insignificance (p. IV-4). However, this conclusion is contrary to the Transportation Report on which the Draft EIR discussion supposedly is based. (It also contradicts p. III-D-19, which includes this intersection on a list of unavoidable impacts.) According to the Final Transportation Report, the identified improvements "would not fully mitigate the significant adverse impact." Therefore, this impact at this intersection should have been considered significant and unavoidable, and the Draft EIR should either be revised to identify this as an unavoidable impact or to explain the inconsistency with the Final Transportation Report.

Second, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such

significant effects." To effectuate this requirement, EIRs must set forth mitigation measures that decisionmakers can adopt at the findings stage of the process. (Pub. Resources Code sec. 21100(b)(3); CEQA Guidelines sec. 15126(e), 15126.4.) The mere inclusion of mitigation measures within an EIR does not, by itself, bind the lead agency to later adopt and carry out such measures. (See Native Sun/Lyon Communities v. City of Escondido (1993) 15 Cal.App.4th 892.)

When approving projects that are general in nature (e.g., a general plan amendment), agencies must devise and approve whatever general mitigation measures are feasible to lessen or avoid projects' significant impacts. Agencies cannot defer the obligation to formulate and adopt mitigation until a specific development project is proposed. (Citizens for Quality Growth v. City of Mount Shasta (1988) 198 Cal.App.3d 433, 442.)

In formulating mitigation measures, a lead agency is subject to "the 'rule of reason.'" (Concerned Citizens of South Central Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App.4th 826, 841.) "CEQA does not require analysis of every *imaginable* alternative or mitigation measure; its concern is with feasible means of reducing environmental effects." (*Id.*) "An adequate EIR must respond to specific suggestions for mitigating a significant environmental impact unless the suggested mitigation is facially infeasible." (Los Angeles Unified School District v. City of Los Angeles (1997) 58 Cal.App.4th 1019, 1029.)

Contrary to these standards, the Draft EIR fails to consider an appropriate range of mitigations for the intersections at Third Street/Cesar Chavez and Third Street/Evans. The only mitigation measures that the Draft EIR identifies with respect to these intersections are certain physical changes to the intersections involving additional lanes and, therefore, requiring the acquisition of additional right-of-way. The Draft EIR then concludes that the mitigation discussed is infeasible.

According to the Draft EIR, the identified mitigations at Third Street/Cesar Chavez and Third Street/Evans were evaluated by DPT and determined to be infeasible because they would require the need to acquire additional right of way with existing structures. This discussion about infeasibility is completely inadequate. First, the City has the legal authority to acquire additional right of way, either by a negotiated purchase or use of eminent domain authority. Although the description of the mitigations is cursory, it does not appear that the amount of property to be acquired would be large. There is no discussion that indicates that any of the structures that might be affected are of any special merit as historic structures. (In fact, we believe at least some of the structures potentially affected are vacant warehouses.) Nor is there any discussion about the costs of acquiring the necessary property or relocating any potentially-affected businesses. A conclusory statement that the need for acquisition of private property renders a mitigation infeasible does not satisfy the requirements of CEQA. In effect, the Draft EIR seems to be saying only that the mitigations are infeasible just because the City has decided it does not want to implement them.

Finally, perhaps more surprising than the Draft EIR's cursory dismissal of these mitigations as infeasible is the fact that the Draft EIR makes no effort to identify and analyze any other possible mitigation measures to address the significant impacts at these intersections. In fact, there are a wide range of additional feasible measures that would mitigate transportation impacts and that therefore should have been considered.

By way of example, the EIR for the adjacent Hunters Point Shipyard Redevelopment area addressed a host of transportation mitigations, including transportation demand management and transit service improvements. The fact that such measures are both feasible and effective is shown by the fact that they are being adopted as part of the mitigation measures for the Hunters Point Shipyard.

The Mitigation Monitoring and Reporting Program for the Hunters Point Shipyard includes the following transportation-related mitigation that are ignored by the Draft EIR:

- Transportation Demand Management
- Transportation Management Association
- Transportation System Management Plan
- Transit Pass Sales
- Employee Transit Subsidies
- Expanded Transit Service
- Flexible Work Times
- Shuttle Service
- Pedestrian and Bicycle Facilities

The failure of the BHP Draft EIR to discuss and consider any of these transportation measure considered in the EIR for the Hunters Point Shipyard, and adopted as mitigation measures for the HP Shipyard Project, represents an inexplicable failure of the BHP Draft EIR to evaluate a reasonable range of transportation mitigation measures.

Moreover, the Draft EIR ignores the possibility for substantial upgrades in transit services for the HP Shoreline Node area. Muni has published a document entitled "A Vision for Rapid Transit in San Francisco." That document discusses the possible future construction of a bus rapid transit ("BRT") corridor that would connect the Hunters Point Shipyard and Innes/Evans Avenue through to Third Street, and beyond to the 24th and Mission BART station. Muni's Vision document states that "when the shipyard and surrounding across are developed, this corridor would best be served by BRT in the Evans/Innes corridor." Obviously, such a transit improvement could have a major benefit of mitigating traffic impacts on the above

intersections; however, this possible improvement is not evaluated or even mentioned in the Draft EIR as a possible mitigation. The failure to discuss such mitigation is a critical deficiency of the Draft EIR.

The Draft EIR also fails to address other transportation improvements that could mitigate the impacts on the intersections at Third/Evans and Third/Cesar Chavez. It is obvious that one of the major problems affecting Evans and Innes Avenue is the lack of alternative roads to carry traffic from the HP Shipyard and the Shoreline Node to Third Street and beyond. The Transportation Report discusses various potential transportation improvements, including a Yosemite Slough Bridge that would improve access into the Hunters Point Shipyard from the south. This improvement was evaluated in the Transportation Report in conjunction with a package of other transportation improvements. According to the Transportation Report, these transportation improvements would result in improvement of traffic conditions, including reduced delay at Third Street/Evans Avenue and Cesar Chavez Street/Evans Avenue; the LOS at Third Street/Evans Avenue was shown to improve from LOS F to LOS E. None of this information was included in the Draft EIR. The failure to discuss these transportation improvements as potential mitigation measures in the Draft EIR itself is a significant deficiency in the Draft EIR that should be corrected. Other new roadways to provide additional routes into the HP Shoreline area should also be considered.

The fact that the Draft EIR fails to base its evaluation of impacts on a more realistic assessment of growth in the HP Shoreline Node, considering both existing zoning and our client's proposed Harbor Village Project, compounds the deficiencies in the transportation mitigation discussion so as to render the Draft EIR essentially meaningless for public information and decision making with respect to the HP Shoreline Node and nearby intersections on Third, Evans, and Cesar Chavez. The reasonably anticipated additional growth in this area may result in the first instance in greater impacts and greater need for mitigations, but the greater density in this area also provides greater opportunity to mitigate these impacts. For example, a greater population density in this area will support more local retail, which may turn projected vehicle trips into shorter pedestrian or bicycle trips. Moreover, greater population density along Innes will help support improved transit services both by providing increased ridership as well as a potential revenue source to provide funding for both operating and capital costs. Assessing these long-term impacts and mitigations now will allow the type of long-term planning and implementations that will allow for improvements to be phased to match the pace of development and for land to be reserved now for improvements such as additional lanes and reserved bus rapid transit lanes. Failure to plan ahead may result in bottlenecks that are difficult to resolve and/or long term constraints on the potential housing and economic growth of the HP Shoreline Node and the Hunters Point Shipyard.

E. The Draft EIR Fails to Incorporate the Conclusions of the Bi-County Transportation Study.

The Draft EIR also fails to incorporate the traffic analysis conclusions from the Bi-County Transportation Study. The San Francisco/San Mateo Bi-County Transportation Study was undertaken as a multi-jurisdictional planning effort involving the San Francisco County Transportation Authority, the San Mateo City/County Association of Governments (C/CAG), the City of Brisbane, Daly City, and the City and County of San Francisco. The study aimed to anticipate and address transportation challenges associated with compounded development in the southeastern portion of San Francisco County and northeastern portion of San Mateo County for the next 20 years. This area includes Hunters Point, Candlestick Point, Executive Park and the Brisbane Baylands. Five potential major developments identified within this area include the Bayview-Hunters Point Redevelopment Project, the Hunters Point Shipyard, the Candlestick Point Stadium/Mall Development, and the Executive Park development in San Francisco, as well as the Brisbane Baylands in Brisbane.

While the Bi-County Transportation Study is yet to be fully approved, the Study allowed participating jurisdictions to agree on a picture of expected land use development for the area over the next 20 years, as well as potential roadway and transit improvements to accommodate proposed development. These improvements include:

- Roadway extensions including Carroll Avenue, Bay View-Hunters Point Bridge and Geneva Avenue;
- New or replacement freeway interchanges including Candlestick Interchange replacement/improvement, Harney Way improvements and Sierra Point Interchange replacement/relocation; and
- Transit projects including MUNI Third Street Light Rail extension on Geneva Avenue (beyond its currently planned terminus at Sunnyvale Ave) to Candlestick Park, and new bus connections to Daly City and Balboa Park BART and to CalTrain.

The estimated cost of all of these improvements is between \$326 and \$338 million, with the three San Francisco projects including the Carroll Ave Extension, Harney Way Improvements and Bayview-Hunters Point Bridge estimated to cost \$125 million (in 2002 dollars). Of these projects, the Bayview-Hunters Point Bridge has the greatest potential impact on transportation access conditions in the East India Basin area. The proposed bridge connects Candlestick and Hunters Points at Fitch Street and provides an alternate road access route to the south of the project area.

This and other projects outlined in the Bi-County Transportation Study have not be prioritized or evaluated on a specific project basis. However, the San Francisco County Expenditure Plan sets aside \$119.7 million for "New and Upgraded Streets" including \$46.3

million for planning, project development and capital costs associated with the San Francisco share of the Bi-County Study projects. These "Visitacion Valley Watershed" projects are included as Priority 1 items in the County Expenditure Plan.

The failure to discuss the Bi-County Transportation Study and incorporate its conclusions or to explain any differences in conclusions reached by the two transportation studies in the Draft EIR itself is a significant deficiency in the Draft EIR that should be corrected.

III. The Draft EIR Must Be Recirculated After the Above Deficiencies are Remedied

If, subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds "significant new information" to an EIR, the agency must issue new notice and must "recirculate" the revised EIR, or portions thereof,¹ for additional commentary and consultation. (Pub. Resources Code § 21092.1; CEQA Guidelines § 15088.5; Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California (1993) 6 Cal.4th 1112 ("Laurel Heights II").) The revised environmental document must be subjected to the same "critical evaluation that occurs in the Draft stage," so that the public is not denied "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions drawn therefrom." (Sutter Sensible Planning, Inc. v. Board of Supervisors (1981) 122 Cal.App.3d 813, 822 ("Sutter Sensible Planning").)

The test for determining when recirculation is required is the following:

[T]he addition of new information to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a *substantial* adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement . . .

[R]ecirculation is not required where the new information added to the EIR "merely clarifies or amplifies . . . or makes insignificant modifications in . . . an adequate EIR." (Laurel Heights II, 6 Cal.4th at 1129-1130 (emphasis in original); see also CEQA Guidelines § 15088.5(a).)

¹ Where an agency determines that recirculation is necessary, it can satisfy its obligation by reissuing only the revised part of parts of the EIR, rather than a whole new document. (See CEQA Guidelines § 15088.5(c).)

Mr. Jose Campos
December 10, 2004
Page Thirteen

As noted above, the Draft EIR substantially understates the reasonably anticipated level of development anticipated for the HP Shoreline Node, even under existing land use rules. It is also deficient in its discussion of mitigation measures for significant impacts. Information on all these issues must be added to EIR. The addition of such significant information necessitates that the document be recirculated.

All of the above deficiencies are independent of the fact that our client has submitted an environmental evaluation for a project that would result in a somewhat greater level of development than would be expected in the HP Shoreline Node under existing land use rules. Under CEQA, information of this additional level of development should be addressed either as a change of the redevelopment project or at least in the EIR's cumulative impact analysis. The inclusion of this additional information on cumulative impacts is a second, separate and independent basis for requiring that the Draft EIR be recirculated.

In addition, the minimal discussions regarding cumulative impacts in the Draft EIR are so inadequate and conclusory in nature as to render public comment on these discussions essentially meaningless.

IV. Conclusion

Based upon the above, it is evident that the Draft EIR fails to meet both the purpose of and standards set forth by the California Environmental Quality Act. The Redevelopment Agency and Planning Department should rectify these deficiencies riddling the Draft EIR and recirculate a revised Draft EIR. Addressing a more realistic level of development in the HP Shoreline Node, including our client's site, will not only help the EIR meet the minimum requirements of CEQA, but will result in more complete and sophisticated long-term planning for this area.

Please feel free to call me at (415) 403-3345 if you would like to discuss the above.

Sincerely,



Steve Atkinson

cc: John Hickey

18257:6414436.3



"MEC"

<mecsoftsf@yahoo.com>

12/10/2004 03:23 PM

To <Jose.Campos@sfgov.org>

cc

Subject RE: public comments for draft EIR

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102
415-749-2400

Dear Mr. Campos;
Please except my comment on the Bayview Hunters Point Redevelopment
Projects and Zoning Draft Environmental Impact Report.

I did not find during my research this morning any
re-election requirements for Project Area Committee
members.

However, the formation and administration of PACs in
general are governed by California Health and Safety
Code, Article 6.5. referred to by state law in
Did the PAC comply with Stat Law cited in Article 6.5.
Has this been adhered to?

Recent statutory law has invigorated CEQA's role in ensuring "the fair
treatment of people of all races, cultures, and incomes with respect to the
development, adoption, implementation, and enforcement of environmental
laws, regulations, and policies" (i.e., environmental justice)."

Maurice Campbell

KATHRYN R. DEVINCENZI
22 IRIS AVENUE
SAN FRANCISCO, CALIFORNIA 94118-2727
Telephone: (415) 221-4700
Facsimile: (415) 346-3225

BY HAND DELIVERY

December 10, 2004

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Jose Campos
Planning Supervisor
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

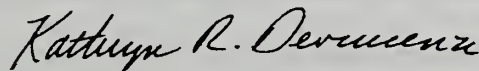
Re: Draft EIR - Bayview Hunters Point Redevelopment Projects and Zoning (1996.546E)

At pages II-18 and VI-16, the Draft EIR erroneously indicates that in the Candlestick Point Activity node, a small area is zoned for Heavy Industrial.

Rather, as noted at pages III.B-7, III.F-3 and VI-15, this area is currently zoned light industrial (M-1) with the Candlestick Point Special Use District Overlay.

This inaccuracy should be corrected.

Very truly yours,



Kathryn R. Devincenzi

December 10, 2004

Jose Campos
SF Redevelopment Agency
770 Golden Gate Ave
San Francisco CA 94102

Nannie Turrell
SF Planning Department
1660 Mission Street 5th fl
San Francisco CA 94103

RE: 1996.546E - Bayview Hunters Point Redevelopment Projects and
Zoning (cover) or Rezoning (text) DEIR

Dear Mr. Campos and Ms. Turrell:

I am submitting these comments on behalf of Cole Hardware.

My focus is only on the "PDR/Large Scale Commercial" sub-area of the Oakinba Activity Node of the plan area. I do not challenge the sufficiency of the document for the remainder of the proposed area and project.

Use of this document unclear re PDR/Large Scale Commercial sub-area of Oakinba

The proposal for the PDR/Large Scale Commercial area involves a substantial change in that area to large-scale retail, i.e. big box facilities. There is already one proposed at Bayshore and Cortland, a large Home Depot at the site of the former Goodman's and the former Whole Earth Access. The Draft EIR for Home Depot was heard several months ago, and the Final EIR is currently being prepared. That DEIR showed that the impacts of a SINGLE large commercial (big box) facility would have severe impacts on both the Bayshore Corridor and adjacent Bernal Heights neighborhood..

On page I-1, this DEIR is said to be the basis for subsequent environmental documentation for DEVELOPMENT PROPOSALS. Is it not also the EIR for the change in the zoning controls for the Bayshore Corridor (the PDR/Large Scale Commercial sub-area of Oakinaba shown as on the map at III-B-20)? If it is, that DEIR is grossly insufficient because even the DEIR for Home Depot sets out much more information and finds significant adverse transportation impacts for a SINGLE such large retail structure. And the map on III-B-20 shows a proposed Large Commercial area from Cesar Chavez to Industrial, on both sides of the street AND a further block to the east of Bayshore for the southern portion of that area.

There needs to be a cumulative analysis of the proposed change in designation – and in focus – to large scale retail along Bayshore. The pattern of that development visible in the Bay Area, and throughout the country, is that where one locates, other follows. Indeed that is the expectation of the person who owns the land for the Home Depot site.

Is that this document? When will it occur? The statement on III-2 {“shall be treated as a program EIR with no subsequent EIRs for individual components of the redevelopment plan”) is not reassuring. Project specific environmental review – which could possibly lead (under Redevelopment law) to a determination that no further environmental review of a PROJECT is needed. It is the CUMULATIVE ANALYSIS that must be done before an entire area can be set out as THE area of San Francisco where large scale retail is allowed.

Map on page III-B-2 and other maps

The red parcels along Bayshore could be construed as HUGE commercial operations. The large one on the east of Bayshore is a McDonalds and the parking lots it owns. It is JUST a McDonalds. The size of the “red” is somewhat misleading.

Please note that on no maps is CORTLAND Street labeled. That is extremely misleading since Cortland, and the intersection of Cortland and Bayshore are the SOLE eastern entrance to Bernal Heights.

All of the maps which show the “redevelopment project areas” and “activity node boundary” in black dashed lines are difficult to read. It is hard to distinguish those lines. Could you find a better way to distinguish them?

Oakinba discussion at III.B-4

Why does this EIR consistently omit any reference whatsoever to the adjacent Bernal Heights neighborhood? It DOES exist and is bounded by Bayshore. It needs ACCESS and the proposed changes on Bayshore threaten that access. Why is it not relevant to this DEIR?

What is “large scale”? Is it facilities over 40,000 sq ft? How many of these uses ARE along Bayshore? What is the standard for “dominate?” The perception of many others is that the uses are quite mixed, with fast food and locally-owned building improvement businesses predominating.

Similarly on III-B-18. Justify the statement “large scale retail and PDR uses would be allowed along Bayshore Blvd which would PERMIT A CONTINUATION OF SIMILAR LARGE-SCALE, FREEWAY ORIENTED REGIONAL COMMERCIAL USES WHICH PRESENTLY EXIST IN THIS AREA.” This is challenged because the uses

December 10, 2004 – Bayview Hunters Point Redevelopment DEIR – page 3

CURRENTLY there are NOT generally large-scale operations. Again, you are referred to the Home Depot DEIR which analyzes the addition of ONE large-scale retail and finds that it has significantly different impacts than current operations on Bayshore. The traffic problems for a REGIONAL retail facility are much different from existing operations.

This change of scale/use is set out on III-B-21. It is incorrect to claim that large scale retail (i.e. big box) “would not alter existing land uses in this area.” See DEIR for Home Depot.

Again, this “no change” refrain is set out on III.B.25, first full paragraph.

How much proposed retail on Bayshore?

The table on III.C-11 is helpful. I could not figure out how much of the projected 1.6 million square feet of retail is assumed to be built in the Bayshore corridor.

Housing Analysis and reconcentration of low-income housing

The Bayview Hunters Point neighborhood has admirably been working for many years to expand the availability of a wider range of income levels in its housing.

Because the City’s inclusionary housing requirement allows developers to eliminate all affordable units in their project and construct them in another neighborhood, there has been a recent pattern of developers seeking to build 100% affordable projects in Bayview Hunters Point, so that they can have 100% high-end housing in THEIR project. This is particularly true for projects in Rincon Hill. If developers continue taking that option, what will be the effect on reconcentration and economic segregation of low-income persons in this neighborhood. Is it consistent with Redevelopment policies?

Transportation Analysis is deeply flawed

How can the DEIR totally IGNORE the intersection of Cortland and Bayshore? That is a crucial intersection for the adjacent Bernal Heights neighborhood. The Home Depot DEIR shows that the intersection will be a bottleneck on Bayshore. The 24-Divisadero, which connects Bernal Heights and Bayview Hunters Point comes east on Cortland, turns right on Bayshore, then left towards Hunters Point. The congestion at this intersection will impede the 24, and possibly the no. 9. It will be a constraint to development in the Bayshore corridor.

Cortland IS NOT LABELED on any map. I could not find the word “Cortland” anywhere in the text. There are no traffic counts on III-D-5. The transit map on III.D-10

December 10, 2004 – Bayview Hunters Point Redevelopment DEIR – page 4

incorrectly shows 24-Divisadero. It goes west on Industrial, THEN NORTH ON BAYSHORE AND WEST ON CORTLAND.

This intersection also needs analysis (as do other intersections on Bayshore) on SATURDAY if large scale retail is to predominate in this area. There is such an analysis for Home Depot.

Is the number of weekday trips to Oakinba tied to a certain level of development of large retail? When is the timeline for Tables III.D-3 and D-4?

The traffic analysis at III-D-5 also omits Cortland and Bayshore. Why? The Home Depot DEIR shows significant unmitigatable impacts from that project on Cortland.

Option B Alternative

This option narrows the large commercial zone so that all parts of it touch Bayshore Boulevard. And it results in reduced adverse impacts.

What would be the result of a shift in the Bayshore corridor from a “large commercial” designation to a home improvement district overlay WITHOUT THE FOCUS ON VERY LARGE RETAIL ESTABLISHMENTS. This area has many home improvement resources, most of which are locally owned businesses. If it was strengthened as such in the redevelopment process, i.e. resources were brought to bear to strengthen and publicize the availability of home improvement resources, this could be of economic benefit to Bayview Hunters Point as well as other neighborhoods.

The large retail/big box businesses have one dominant factor – HUGE parking lots, national advertising and waves of customers at a time when they can take over an area. What other model would provide economic growth while minimizing the traffic and parking impacts? This could be a much more environmentally beneficial alternative.

DEIR Circulation list

Please note that NOT ONE PERSON OR AGENCY in Bernal Heights is on the circulation list for the DEIR, let alone on the consultation list.

The public list starts at VIII-6. Bernal Heights zip is 94110. The only entities with that zip are (p 8) the National Lawyers Guild in the Mission, (p 12) the Institution for Community Health Outreach in the Mission, and (p 13) the Conservation Corps which has a wrong zip (it is really 94109).

I got this EIR because I get ALL EIRs. The only information people were given about the release of the DEIR came from me.

December 10, 2004 – Bayview Hunters Point Redevelopment DEIR – page 5Sue

In 2003 there was a community meeting at the Community College on this Redevelopment area which was conducted by the Agency and the PAC. At that meeting questions were raised about why the Agency had NEVER done any outreach to inform people in Bernal Heights about the proposals for Bayshore, which is their common boundary. And issues regarding Cortland, which is the ONLY access to Bernal Heights from the east. This flaw in the notice process – which should have been corrected by Agency staff – was not corrected, but exacerbated.

People signed in at that meeting. The Agency clearly has a list of persons in Bernal Heights who are concerned about the Bayshore corridor. Why was there no effort to inform people who were CLEARLY interested in being informed? This is not in the spirit (or requirement) of CEQA.

Respectfully submitted,

Sue C. Hestor
Attorney for Cole Hardware

870 Market St #1128
San Francisco CA 94102
(415) 362-2778



200 PAUL AVENUE
A DIGITAL REALTY TRUST PROPERTY

December 10, 2004

San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

Attention: Jose Campos, Planning Supervisor

Re: Draft EIR for the Bayview Hunters Point
Redevelopment Projects & Zoning
Planning Department Case No. 1996.546E

Dear Mr. Campos:

200 Paul, LLC is owner of 200 Paul Avenue (Block 5431A / Lots 1F & 1G). We have the following questions, comments and corrections that we respectfully request your agency address in the Draft EIR for the Bayview Hunters Point Redevelopment Projects & Zoning dated October 19, 2004.

1. We request the following be corrected: On Page III.B-4 (similar on III.B-17 to 18 and III.E-14) the following statement occurs: *"The Health Center Activity Node is also characterized by large underutilized industrial parcels, such as the former Coca-Cola and Macy's properties on Third Street at the Southern end of the node"*. The former "Macy's" property is 200 Paul Avenue. This property is in the "South Basin Activity Node" and it was completely renovated in 1999. The property is currently 84% leased to long term telecommunication and internet datacenter tenants. This facility, owned by a subsidiary Digital Realty Trust, is the largest voice and data network gateway in the San Francisco Bay Area region. Please revise ALL references in the report to the "Macy's property" to reflect the fact that this property is in active use with 115 operational telecommunication and internet datacenter enterprise customers. Stan Muraoka of the SFRA is familiar with the 200 Paul site and has toured this operating facility.
2. We request the following be corrected: Figure III.B-1 incorrectly shows a portion of the 200 Paul site & 1755 Egbert site as "Vacant/Right-of-way". This must be corrected to "Industrial". There is no part of the 200 Paul site that is vacant and available for future right-of-way.
3. Question: The EIR states that the development standards for any site in the 1,438 acres that are being added to the existing Bayview Hunters Point Redevelopment Plan Area would be controlled by the SF Planning Code as it exists at the time of a development application. Please confirm that there would not be any special layers of review or land use restrictions imposed by the SFRA.

Carrier Hotel Services

Colocation Services

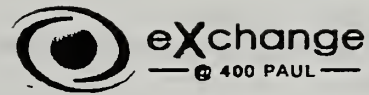
4. Comment: The proposed PDR uses, especially the Core PDR use, are too vague and severely limit the development potential of many of the large parcels in the proposed project area. If the proposed allowable PDR uses are too restrictive, then the SFRA will have the unintended result of severely retarding economic development within the project area.
5. Comment: The zoning proposed in this Draft EIR is based on a rezoning study process that has not been completed. The last action with regard to this initiative was the presentation to the Planning Commission in March of 2003 (see the 3/3/03 Planning Commission Presentation – "Community Planning in the Eastern Neighborhoods").
 - a. Question: What is the schedule for completing this process?
 - b. Question: Why is this Draft EIR based on an incomplete rezoning process?
6. Question: Can a table be provided comparing the proposed allowable PDR uses to the former M-1 & M-2 uses?
7. Question: Can a table be provided showing the general zoning requirements for the PDR zones, set backs, parking ratios, FAR, etc?
8. Comment: If a site is zoned "Core PDR" – would the proposed zoning code revisions also allow for "Light PDR" or "Medium PDR" allowable uses on a Core PDR site with out Discretionary Review or Conditional Use approval?

Sincerely,



Steve Kundich, AIA
Director of Design & Construction
Digital Realty Trust, LLC

cc: Jim Trout - Vice President / Asset Manager
Janet Jolley - Property Manager
John Wilson - Executive Vice President
John Lau – San Francisco Planning Department
Eastern Neighborhood Planning



December 10, 2004

San Francisco Redevelopment Agency
770 Golden gate Avenue
San Francisco, CA 94102

Attention: Jose Campos, Planning Supervisor

Re: Draft EIR for the Bayview Hunters Point
Redevelopment Projects & Zoning
Planning Department Case No. 1996.546E

Dear Mr. Campos:

400 Paul Wave Exchange, LLC is owner of 320, 350 (Block 5341A / Lot15) & 400 Paul Avenue (Block 5431A / Lots 014). We have the following comments and questions that we respectfully request your agency address:

1. Comment: The proposed PDR uses, especially the Core PDR uses, are too vague and severely limit the development potential of many of the large parcels in the proposed project area. If the proposed allowable PDR uses are too restrictive, then the SFRA will have the unintended result of severely retarding economic development within the project area.
2. Comment: Our property is currently zoned "M-1". It is proposed that the zoning will be changed to "Core PDR". This zoning designation is severely restrictive and is not flexible enough to address the range of possible development scenarios that could best serve the local neighborhood as well as the entire city. Additionally, none of the existing uses surrounding the site are an appropriate uses that can coexist with the proposed Core PDR zoning designation. The rezoning alternates discuss the concept of PDR buffer uses between Core PDR and other uses. Buffer uses are not currently present and are not anticipated in the proposed rezoning. This large-seven acre site should be zoned to allow for a range of possible uses. It is our opinion that the existing M-1 zoning is a more appropriate zoning designation for this site. We request that the EIR consider the possibility of the various uses associated with the current M-1 zoning at the 320, 350 (Block 5341A / Lot15) & 400 Paul Avenue (Block 5431A / Lots 014) sites. Specifically, retail/commercial and residential uses should continue to be allowed as permitted and conditional uses respectively.
3. Comment: The zoning proposed in this Draft EIR is based on a rezoning study process that has not been completed. The last action with regard to this initiative was the presentation to the Planning Commission in March of 2003 (see the 3/3/03 Planning Commission Presentation – "Community Planning in the Eastern Neighborhoods").
 - a. Question: What is the schedule for completing this process?

Carrier Hotel Services

•

Colocation Services

- b. Question: Why is this Draft EIR based on an incomplete rezoning process?
4. Question: Can a table be provided comparing the proposed allowable PDR uses to the former M-1 & M-2 uses?
 5. Question: Can a table be provided showing the general zoning requirements for the PDR zones, set backs, parking ratios, FAR, etc?
 6. Question: If a site is zoned "Core PDR" – would the proposed zoning code revisions also allow for "Light PDR" or "Medium PDR" allowable uses on a Core PDR site with out Discretionary Review or Conditional Use approval?
 7. Question: Page III.B-19 it states that the "Core PDR zoning designation will not permit residential uses". Will it still be possible for a property owner to apply for a Conditional Use approval to change the zoning of a Core PDR site to residential use, large retail use or mixed use?
 8. Question: The EIR states that the development standards for any site in the 1,438 acres that are being added to the existing Bayview Hunters Point Redevelopment Plan Area would be controlled by the SF Planning Code as it exists at the time of a development application. Please confirm that there would not be any special layers of review or land use restrictions imposed by the SFRA.
 9. Question: Is a copy of a blight survey available for the 1,438 acres added Project area?

Sincerely,



Steve Kundich, AIA
Director of Design & Construction
400 Paul Wave Exchange, LLC

cc:

Greg Asay – Office of Supervisor Sophie Maxwell
City & County of San Francisco

John Wilson – President, 400 Paul Wave Exchange, LLC

John Lau – San Francisco Planning Department
Eastern Neighborhood Planning



kevyn lutton
<kevyn11@yahoo.com>

12/10/2004 10:20 AM

To Jose Campos <Jose.Campos@sfgov.org>, Olson Lee
<Olson.Lee@sfgov.org>, BVHP PAC
<bvhp-pac@bvhp-pac.org>, "secretary R.A.Commission"
<Commission.Secretary@sfgov.org>, Marcia Rosen
<Marcia.Rosen@sfgov.org>, Gina Solis
<Gina.Solis@sfgov.org>, Wanda Whitaker
<wwhitaker@bvhp-pac.org>, stanley Muraoka
<stanley.muraoka@sfgov.org>
cc Angelo King <progress76@aol.com>

bcc

Subject Comments / BVHP- / DEIR

To: Redevelopment Agency,

Although illness prevented me from attending hearings
on the DEIR for Bayview Hunters Point Redevelopment
Plan
please include this written response to your request
for comments.

Ms Kevyn Lutton
Resident - BVHP



(415) 822-2744 Comments on Draft Environ.doc

Comments on Draft Environmental Impact Report

Bayview Hunters Point Redevelopment Project
December 9, 2004

Submitted by Kevyn Lutton, Resident

There are many beautiful and thoughtful improvements included in this Project.

However, some parts are offensive and I strongly object to the negative impact they will have on the present residents of this neighborhood.

THE STADIUM DEVELOPMENT RETAIL/ENTERTAINMENT CENTER

The overwhelming size and character of the Stadium / Entertainment and Retail complex imposes a burden and an obstacle on this design and detracts from the stated purpose of Redevelopments proposed action.

It will dominate the entire area visually and requires the amendment of the General Plan, the Planning Code and the zoning map.

It will be an environmental detriment to the neighborhood, bringing in thousands of cars, which will add to the air-born contaminants, which have already sickened the residents. Affluent visitors who can afford the luxury of tickets to 49er games and the amenities of the shopping/entertainment Mall will drive this traffic.

It is an insult to residents to be told they should look forward to lots of job opportunities with the Stadium-Mall project. This offering of an overabundance of low paying jobs in retail implies that all the residents will be happy to play the role of a servant class gratefully waiting upon these visitors as clerks, restaurant workers, janitors.

The negative environmental effects of the Stadium-Mall as stated on V-1 (blocking of some shoreline views and the southern side of Bayview Hill, and **most offensively** taking of a portion of the Candlestick Point State Recreation Area to be transformed into a for a parking lot) will add more blight rather than taking it away and contradicts the stated purpose of the Agency to "enhance and strengthen existing activities in Bayview Hunters Point and benefit current residents and businesses without replacing them." By causing retail jobs to dominate the economy of our neighborhood the ability to afford to continue to live here will be decreased. The mall will draw business from Third Street and weaken the ability of local business to sustain them.

Similarly big box chain stores planned for Bayshore will not enhance either the income or air quality of residents but instead will do the opposite. The Plan exploits the neighborhood for the benefit of visitors and the Agency itself by filling its coffers with tax increments. It causes us to doubt the good intentions of the Agency.

The 49er stadium and mall will benefit everyone **BUT** the present residents of BVHP.

The passage of the proposition F that calls for the building of the 49er stadium/entertainment/shopping mall was the result of fraudulent voting practices. Residents who remember this election know that full investigations were squelched by political powerful persons. However that does not mean criminal fraud did not happen. Events surrounding that 1997 election, especially the death of a poll manager resident of Hunters View who had an appointment to testify regarding the alleged improprieties, in a suspicious fire which also claimed the lives of four children has

permanently and seriously weakened the trust of residents. The Stadium Mall must be removed from the Plan by any means necessary.

PDR

As stated above, this plan fails to adequately address the need for employment in our neighborhood. It actually reduces ‘production, distribution and repair’ which is so necessary to diversify choices of career paths. The Plan gives the impression that the dominating option for work is in retail. Our youth desperately need to have a vision for their future which will de-emphasizes consumerism, not emphasize it. It is a source of great suffering in struggling families to live in an environment where everything around them gives the message that the primary source of self esteem is to be found in the over acquisition of *stuff*. Low-income families should be surrounded by models of folks who are gainfully employed in a variety of trades and are able to save for their own and their children’s future. The training in skills that are now available in BVHP through YCD and the Community College on Evans Street is of no use to the community if there are no actual shops where those who possess these skills can and will be employed.

Many low-income persons have become bitter and disillusioned by these endless empty promises of jobs. Even MUNI, which unlike the Agency, is answerable to the Transportation Commission comprised of our Supervisors have failed to fulfill the promises of jobs for this community. Demands put to them by the Supervisor-Commissioners are responded to in painfully phony ways. While they report a growing list of local workers on their employee list, the people are being hired for ridiculously short times and laid off. Then new persons are hired to again be laid off. But MUNI reports a long list of locally filled jobs. On top of that, the City has blocked this Community’s demand for control of the construction of the new MUNI maintenance barn. Although the Agency may say this is irrelevant to this project, I describe it here as a reminder that the Agency must do something (like, offer incentives to owners of PDR enterprises to actually hire trained residents from this community and mentor those who wish to go into business themselves) to restore confidence in the Community that actions actually correspond to the words of this document.

The flatlands provide the best location in the City for the enhancement of PDR activities. The Agency’s Plan is shocking in the way it decreases PDR , and seems to actually discard it in favor of retail. At a minimum, Redevelopment should offer support and space, for facilities where a co-operative can produce modular buildings for construction activities within the City. The Plan design should make provisions to facilitate the production of photovoltaic energy sources and other forms of green energy owned and operated by residents. Production plants would make the resale and installation of green products deliverable at great savings to San Francisco, not only in terms of money but also in the use of fossil fuel used in bringing products into the City. Many other ecologically enhancing production facilities should be encouraged by the Plan to retain the working class demographics of our neighborhood. This document offers no reassurances that the quantity and variety of employment (other than in retail) and entrepreneurial enterprises will be enhanced.

There seems to be a mathematical error on page III.C-13, Table III.C-8

Production, Distribution and Repair	new jobs/base case	new jobs/Project	Percent increase
	3,190	1,827	57%
If the totals above are correct there would be a 57% <u>decrease</u> in PDR jobs			

TRANSPORTATION CIRCULATION

It is clearly stated in this plan that the barely tolerable congestion at 5 key intersections surrounding the Project will be significantly adversely affected and “deteriorate levels of service to unacceptable levels in the weekday PM peak hours.”

I agree with many residents that this problem alone should force Redevelopment to reexamine a more moderate level of new development. It seems that this concern would also include a review of safe routes for the passage of emergency vehicles. Along Bayshore the Plan poses a special risk for our neighbors to the West, which have only one East traveling route, Cortland Avenue, out of Bernal Heights. The increased traffic inevitable with the planned large-scale retail stores will create a worrisome danger of gridlock bringing with it safety risks during possible critical emergency events.

The plan restates an optimistic assumption that in 20 years the extra pollution burden generated by the projects traffic will not violate federal or state CO standards, this in spite of the worsening of localized CO hot spots stagnation points in heavily congested roadways and intersections. Is that good enough for present residents who have born the environmental injustice of several polluting industries whose toxic emissions has sickened generations of our residents? The plan leads one to question whether this plan assumes that the current population of long time residents will have been driven away by intolerable pollution derived sickness and poverty by the time Redevelopment's Project actually becomes a reality?

Who is this Plan supposed to benefit?

FRAMEWORK HOUSING

The statements "The projected need for affordable housing may exceed that provided by the Project in the Project area" and "Further, the number of non-affordable housing units provided in the Project Area will exceed the demand for these units." are found in the beginning Summary on pages S-7 and S-8. I could find no indication in the document of how many affordable units will be provided. In a phone conversation with Mr. Stanley Muraoka I learned that between 20% and 40% of housing could be affordable.

The Project description states that approximately 3,700 new dwelling units would be built by 2025 but is unclear how many will be non-affordable and in excess of demand.

I object to the many statements of purpose in this document that claim that the purpose of this Project is to enhance the quality of life and business of residents who already live here, if superfluous housing for the affluent is eliminating needed housing for very low and low income people.

Past history of "development" in San Francisco give low and very low income residents abundant reasons to worry that this "high housing" Redevelopment Plan will occur with no concurrent development of the human capital of local residents and will disperse the community. With no present time investment in the human capital laying dormant and undeveloped in low income families they will end up with no tangible equity stake in the work of Redevelopment. In this case people will be no better off than if no development occurs, and in fact they may be even worse off because of the influx of many affluent "entitled" citizens. The low and very low income families and youth will experience even greater alienation from the neighborhood which in many cases has been their home for generations. . S.F. Redevelopment holds an enormous amount of power and control of nearly unlimited funding capacity for new buildings, yet neglects the urgent and actual present time employment, skill development and social needs of current residents.

One can only conclude that the real and unstated purpose of this Project is to create a bedroom community for the affluent while making weak efforts to prevent dislocation of present residents.

Resident neighbors in the five Housing Authority developments in the boundary of this Project Area, are suffering yet another intensification of anxiety regarding the looming displacement with which this

Project threatens them, in spite of the rhetoric to the contrary. The increasing deterioration of resident living conditions as the Housing Authority slid into bankruptcy has been ignored by the City and District 10 Supervisor. A single example of this indifference is the blind eye that has been turned toward H.A.'s failure to replace broken missing washers and dryers from the wash houses in Hunters View. The winter with its rains is here and residents who have been washing clothes and bedding by hand and drying them on clotheslines are now facing even more difficulties in their isolated location and distance from commercial Laundromats.

It is irrational for the Redevelopment Agency to expect that public housing residents should trust them to make their acute housing and quality of life needs a priority. The Agency utilizes the magic term 'Blight' to justify their development plans. It mentions collaboration with the corrupt Housing Authority and suggests that Hope 6 funds are on the way. While this will assuage the guilt of other more secure residents, it is in no way credible to the people who live in these annexed Housing Authority projects. Hope 6 is more truthfully known as "Hopeless 6" and the bankruptcy of the Housing Authority puts the lie to any so called collaboration. To these residents the Redevelopment Agency looks like a type of shadow government, with enormous powers over the context of their lives and yet answerable to no one.

The Framework Housing Plan (page 17, Attachment 1) states as Housing rental Goal is 300 units for low income persons. This hardly seems adequate for replacement of Public Housing tenants never mind low income tenants who are not in Public Housing.

Most information on the Agency's plans about Relocation and Replacement Housing is found in the REDEVELOPMENT PLAN FOR THE INDIA BASIN INDUSTRIAL PARK REDEVELOPMENT PROJECT, dated November 3, 2004. I had expected to find it in the DRAFT BAYVIEW HUNTERS POINT FRAMEWORK HOUSING PROGRAM dated March 15, 2004, but did not. In the former document (which I will refer to as Draft IBIP doc.) it appears that the Agency intends to follow the usual pattern used by the Housing Authority. This pattern of complete tear down and dispersal of a community while new housing is under construction, which the Agency states will be "within four (4) years of such destruction . . .", is needlessly oppressive.

This procedure is exactly what Low-income tenants in Public Housing are most anxious about. This complete tear down will guarantee that many tenants will not return to their former community. This is obvious today at the Valencia Garden site which has lain vacant with no sign of construction for nearly a year. This is a proven method of effectively forcing poor people out of the City. The same thing happened at Bernal Dwellings on Cesar Chavez Street. This type of dispersal always creates a crisis from which some people never recover. The personal disruption of the tenuous life of a poor person makes it all the more likely that many people find their quality of life deteriorating after dispersal. Those who do move away after being made a refugee in their own City discover that the chances of new opportunities for employment promised by the R. A.'s documents becomes even more out of reach.

The R.A. in good conscious should avoid causing such harm to citizens. This document states repeatedly that the purpose of Redevelopment projects is to "enhance and strengthen existing activities for the benefit of current residents." The Concept plan clearly states these laudable RA goals will be "achieved through small- and medium-scale redevelopment and renovation efforts and not through extensive land clearance followed by new construction." Therefore I object strongly to the method of redeveloping very low and low income households as described in the Draft IBIP doc. I am referring to paragraph 5.10.1, 5.10.2, and 4.10.3 pp 24 and 26. This procedure is exactly like that used by the Housing Authority and contradicts stated goals. The impact of such methods on community members is unacceptable.

Nowhere in the R.A. Bayview Hunters Point documents have I found a commitment to 1 to 1 replacement housing.

On this issue of renewal of housing, I would like to see in my community the only acceptable and humane proposal; which is to move households from units due to be destroyed directly into new housing reasonably near the old neighborhood, before destroying their homes. The other usual procedure has not been adequately discredited and rejected by RA and understood by the households in the 5 Public Housing projects in the Hunters Point Shoreline Area. Therefore the trauma and depression directly attached to discussion of Redevelopment Plans is already evident among the tenants there. I would hope the Agency can realize that this beleaguered community is already weighted with many other crises resulting from the neglected living conditions and environment in which they have been forced to reside and can least afford the disruption of being moved to temporary housing for four years.

SUMMARY of most desired changes

If this plan is serious about its stated goal of enhancing quality of life of current residents, I respectfully urge both the Planning Commission and the Redevelopment Agency to improve this Project

- A) by doing everything possible to support initiatives to remove the 49er Stadium/Mall project from consideration for this Redevelopment Area. The detrimental effects on this neighborhood, both environmentally and psychologically, given residents eagerness to defeat the proposal in 1997 and the horrible incident of the fire, will far outweigh any benefits.
- B) by making a priority the improvement of air quality. The residents of this neighborhood have been and remain the victims of a great deal of environmental injustice. Therefore, the plan must avoid any project that would bring large numbers of visitors, cars, parking lots, into the area.
- C) by increasing the variety, and number of PDR sites, thereby giving much needed support to the creation of entrepreneurial opportunities.
- D) by introducing projects designed to provide apprenticeship opportunities for current residents in the area of crafts and trades. An important and primary part of this should be the facilitation of co-operatives for the production of modular housing and green energy tools, which should be designed in a way that ownership of shops and housing by presently low income citizens will become possible.
- E) by creating support structures for small and medium sized locally owned businesses and by avoiding the environmentally destructive and unjust corporate practices of "big box" stores.
- F) by making a clear and unambiguous commitment to tenants of Public Housing to build one to one replacement housing in such a way that households will be moved directly into new housing units, reasonably near their original neighborhood before their homes are destroyed.

Member, Board of Supervisors
District 10



City and County of San Francisco

SOPHIE MAXWELL

蘇菲妮亞(蘇菲)·馬克斯韋爾

December 10, 2004

Paul Maltzer
Environmental Review Officer
San Francisco Department of City Planning
1660 Mission Street
San Francisco, CA 94103

Mr. Maltzer,

Thank you for your efforts on the Draft Environmental Impact Report (EIR) for the Bayview Hunters Point Redevelopment and Rezoning Project.

I write to ask for clarification on one aspect of the Draft EIR. As you know, the northern section of Third Street in Bayview Hunters Point, between Islais Creek and Evans Avenue, is an important area of focus for the community, which desires it to be a vibrant and attractive "gateway" into the neighborhood. While there is unanimity on this vision, there remains good and healthy debate as to what land uses should be encouraged and permitted in this section of Third Street – specifically, if housing should be included as a permitted use.

Can you please clarify if the current Draft EIR would allow for the policy makers to select a land use scenario that does not permit housing in the section of Third Street between Islais Creek and Evans Avenue?

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sopenia Maxwell".

Sopenia Maxwell

cc: Jose Campos, San Francisco Redevelopment Agency
Dean Macris, San Francisco Planning Department
Angelo King, Bayview Hunters Point PAC

San Francisco Planning Department,
1660 Mission Street,
San Francisco, CA 94103

**Comments of Lynne Brown on the Adequacy of the Bayview Hunters Point
Draft Environmental Impact Report**

I am an African American resident of public housing in the Bayview Hunters Point Community in San Francisco California. I allege that the Draft Environmental Impact Report (DEIR) prepared by the City and County of San Francisco (CCSF) and the San Francisco Redevelopment Agency (SFRA) is inadequate and as currently proposed the redevelopment of the Hunters Point Project Area violates my statutory, civil, and constitutional rights including but not limited to due process and equal protection, and that it further discriminates against me on the basis of my race and income.

As proposed the DEIR will result in specific discrimination against me, my family, my neighbors, who are predominantly low-income African Americans who reside in the public housing, in the project area proposed for redevelopment. This project will result in the demolition of our homes and we will be dislocated likely resulting in increase homelessness in San Francisco.

This dislocation is identified as the primary area of controversy in DEIR Section F.

F. AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED
Preparation of the EIR identified the following areas of controversy or unresolved issues regarding the Project.

- Conserve existing housing and provide new housing, while retaining necessary PDR uses that support a diverse local economy
- Preserve and strengthen the fabric of the community, including the Town Center, neighborhoods, institutions, and resources, while eliminating displacement and relocation to the maximum extent possible.

In fact I believe that as currently proposed the project will discriminate against me and other like situated persons like myself with intent. This illegal discrimination plan amounts to what I call the Negro Removal Program (NRP) within the Bayview Hunters Point Project Area. The evidence of this is the proposed housing program proposed in the DEIR will demolish more of the low and very low income housing units currently existing within the Project Area than are being proposed to be constructed in the DEIR under either the low or high estimate of need.

[Draft EIR at III.C-23 to III.C-24] Table III.C-15 applies those income distributions to derive estimates of the projected need for housing affordable to new moderate-income, low-income, and very-low income households associated with new employment anticipated under the Project. Estimates are provided for the sets of assumptions yielding the lowest and highest estimates of housing demand. The lowest estimate is associated with Case 1 (no Stadium Development Retail/Entertainment Center), 1.35 workers per household, and 55 percent of households living in San Francisco; the highest estimate is associated with Case 2 (when the Stadium Development Retail/Entertainment Center is completed) assuming one worker per household and all households living in San Francisco. In all, between about 1,347 (Case 1, more workers per household, with commute adjustment) and 4,414 households (Case 2, fewer workers per household, no commute adjustment) could require some type of financial assistance to be able to afford the housing they seek in San Francisco.

Because there are no standards of significance for housing, this shortfall of affordable housing units is not considered to be a less-than-significant impact. Nevertheless, the Project includes an Affordable Housing Program to address the need for affordable housing in the Project Area and to assist current homeowners in maintaining and retaining their homes.

Therefore according to the DEIR itself, since the "shortfall of affordable housing units is not considered to be a less-than-significant impact" therefore this is clear evidence that this remains a significant unmitigated impact pursuant to the California Environmental Quality Act (CEQA). Additionally since the Bay View Hunters Point (BVHP) neighborhood is a predominately African-American community of color that is disproportionately impacted by existing environmental

**TABLE HLC-15
PROJECTED NEED FOR AFFORDABLE HOUSING BY
HOUSEHOLDS EXPECTED TO SEEK HOUSING IN SAN FRANCISCO**

Income Group	Industry						Total
	CNK*	AMED*	MUPB*	FDW*	RKT*	VISIT*	
Total Workers	444	128	2,340	1,827	1,004	11	5,634
Total Households	183	33	913	744	409	4	2,383
Above-moderate income	80	23	390	205	455	2	955
Moderate income	47	14	247	201	106	1	616
Low income	33	9	164	143	90	1	438
Very Low income	22	6	110	97	57	1	293
Total Very Low, Low, & Moderate	102	29	521	439	253	3	1,347
Total Housing Units	188	34	949	773	425	4	2,369
% Needed for Very Low, Low, & Moderate Income Households							56%

Income Group	Industry						Total
	CNK*	AMED*	MUPB*	FDW*	RKT*	VISIT*	
Total Workers	444	128	2,340	1,827	3,725	11	8,375
Total Households	444	128	2,340	1,827	2,794	11	7,444
Above-moderate income	195	36	963	749	1,062	4	3,929
Moderate income	115	35	605	493	729	3	1,977
Low income	80	23	403	347	615	2	1,470
Very Low income	53	14	369	238	391	2	967
Total Very Low, Low, & Moderate	148	72	1,277	1,078	1,732	7	4,214
Total Housing Units	463	133	2,328	1,899	2,904	11	7,737
% Needed for Very Low, Low, & Moderate Income Households							56%

Source: Mendel & Associates, 2004. Based on household income distribution in Kuper Mendel Associates, Inc. and Gabriel Becker, Inc., Draft Job Housing Needs Analysis, City of San Francisco, July, 1997.

Notes:

1. Case 1 - No Station Development Retail/Entertainment Center, 1.5% workers per household, 55 percent of workers live in San Francisco.
2. Cultural, institutional, and educational services.
3. Medical and health services.
4. Management and professional information services.
5. Production, distribution, and repair services.
6. Retail and entertainment.
7. Visitor lodging.
8. Case 2 - With Station Development Retail/Entertainment Center, 2.5%, local hires, 1 worker per household, 100 percent of workers live in San Francisco.

hazards and has a disproportionately high number of families with household incomes below the poverty level compared to the CCSF as a whole, Federal law, Title VI of the Civil Rights Act of 1964 requires CCSF, and the SFRA, in coordination with the California Environmental Protection Agency, Department of Toxic Substances Control, to identify and address any disproportionately high human health, socioeconomic, or environmental impacts of their programs, policies, and actions on minority or low-income populations. CEQA is primarily a public disclosure statutory scheme allowing the affected community to be informed and members of the public to voice their opinion, and to have input, about projects that may affect their environment. CEQA requires a review of the environmental impacts of overall activities ("the whole of an action" -- 14 Cal. Code Regs. § 15378(a)) defined as "projects." (Pub. Res. Code § 21065.) This strong, broad right of public participation under CEQA has a political component

(i.e., CEQA allows the compilation of a record concerning the approval of development projects that can be used by the public to vote environmentally insensitive decision makers out of office come election day), the violation or deprivation of which has constitutional ramifications on an affected community as well as the public at large.

Additionally, in mandating separate project areas for the BVHP community and the redevelopment of the shipyard (Parcels A- F), CCSF and SFRA as the lead agency under CEQA, is "piecemealing" the overall activity. CEQA strongly forbids this kind of "chopping up [of] a proposed project into bite-size pieces which, individually considered, might be found to have no significance on the environment." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716, citing *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171, 1172; see also *Bozung v. LAFCO* (1975) 13 Cal.3d at 283-284; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.)

CEQA provides that a proposed project may have a significant effect on the environment when the possible effects on the environment are individually limited but "cumulatively considerable." (Pub. Res. Code § 21083(b); 13 Cal. Code Regs. § 15065. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 Cal. Code Regs. § 15065.) In addition to analyzing the direct impacts of a project, the CEQA Lead Agency must also consider a project's potentially significant cumulative impacts.

Recent statutory law has invigorated CEQA's role in ensuring **"the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies"** (i.e., environmental justice)." (Emphasis

added; see SB 115, Solis; Stats. 99, ch. 690, Gov. Code § 65040.12 and Pub. Res. Code §§ 72000-720001.)

In conjunction with the regulatory provisions of the federal Clean Air Act and Division 26 of the Health and Safety Code,¹ CEQA provides an ideal mechanism for ensuring that Environmental Justice will be addressed in all activities and projects that may have a significant effect on the environment.

CEQA requires that environmental documents (*i.e.*, an environmental impact report (EIR)) be prepared whenever a public agency proposes to undertake a discretionary activity (which is defined extremely broadly as the "whole of an action" being engaged in) that may have a significant effect on the environment. (See Pub. Res. Code §§ 21002.1, 21061, 21064, and 21080.1; see also 14 Cal. Code Regs. §15002.)

In enacting CEQA, the Legislature expressly declared a number of important policies with which activities and documentation must be consistent, and which must be complied with and enforced, including:

"It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, ***shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.***" (Pub. Res. Code § 21000(g) (emphasis added).)

It is California policy to "[d]evelop and maintain a high-quality environment now and in the future, and ***take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.***" (Pub. Res. Code § 21001(a) (emphasis added).)

It is the policy of this state to require that public agencies "[t]ake all action necessary to ***provide the people of this state with clean air***

¹ 42 U.S.C. § 7401 *et seq.* (Public Law 88-206, 77 Stat. 392, December 17, 1963, as last amended by the Clean Air Act Amendments of 1990, P. L. 101-549, November 15, 1990); Health & Saf. Code § section 39000 *et seq.*

and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise."

(Pub. Res. Code § 21001(b) (emphasis added).)

State policy calls for ensuring "that the long-term protection of the environment, consistent with ***the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.***" (Pub. Res. Code § 21001(d) (emphasis added).)

State policy requires "governmental agencies at all levels to ***develop standards and procedures necessary to protect environmental quality***" (Pub. Res. Code § 21001(f) (emphasis added).)

California policy requires "governmental agencies at all levels to ***consider qualitative factors as well as economic and technical factors and long-term benefits and costs ...***" (Pub. Res. Code § 21001(g) (emphasis added).)

"The interrelationship of policies and practices in the management of natural resources and waste disposal requires ***systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.***" (Pub. Res. Code § 21000(f).)

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." (Pub. Res. Code § 21000(e).)

The recent enactment of Public Resources Code sections 71110 through 71115, and Government Code section 65040.12, in conjunction with other statutory and regulatory requirements, such as the Bay Area Air Quality Management District State Implementation Plan, and EPA regulations, require the CCSF, SFRA, as well as other agencies, to infuse **Environmental Justice** into every aspect of decisionmaking. This panoply of statutory authority supplements the general authority to "do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon [a public agency] ..." (Health & Saf. Code § 39600.) Further, the rules, regulations, and standards that the CCSF, SFRA, and other agencies adopt must be

"consistent with the state goal of providing a decent home and suitable living environment for every Californian"² (*Id.* § 39601(c).)

Therefore the proposed redevelopment of both project areas, and all associated activities constituting the "whole of an action" being carried out by the public agencies involved capable of having an adverse environmental impact (14 Cal. Code Regs. § 15378(a); *see also* Pub. Res. Code § 21065), and therefore both projects considered together must be subjected to environmental review pursuant to CEQA to ensure that all the entire project's adverse, potentially significant impacts on the Bayview Hunters Point community, as well as the entire region in which the project is located, are fully and fairly investigated, identified, analyzed, evaluated and, perhaps most importantly of all, **mitigated** – while also ensuring that project alternatives capable of avoiding or reducing the impacts are considered and, if feasible, adopted.

Conclusion

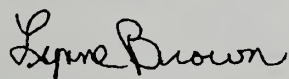
Wherefore, for good cause shown, I respectfully request that the CCSF and SFRA complete a supplemental Environmental Impact Report including mitigation for the impact of the proposed project on,

- 1) The retention of existing housing stock for low and very low income persons.
- 2) The impacts and mitigation proposed for those low and very low income residents within the project area threatened by dislocation due to the implementation of the proposed project.
- 3) The cumulative impacts of the project considered with the impacts of the proposed redevelopment of the shipyard, and with other existing impacts from surrounding industrial uses or proposed development projects.

² This overlapping of statutory goals and requirements (*see* Pub. Res. Code § 21000(g), quoted above) is typical among statutory schemes aimed at protecting the public health.

- 4) In order to provide an evidentiary record of compliance with the requirements of the Federal law, Title VI of the Civil Rights Act of 1964, as well as CEQA, and statutes.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynne Brown".

Lynne Brown
Resident, Bayview Hunters Point
24 Harbor Rd.
San Francisco, CA 94124

POOCHES' PLAYTIME INC.
2350 JERROLD AVE.
SAN FRANCISCO, CA 94124
415-824-3743
FAX 415-824-3702

RECEIVED

SFRA

NOV 30 2004

1-2933-000

RECORDS DEPT.

Dear Mr. Campos,

Please add my name to the list of citizens who oppose the rezoning of Bayview Hunters Point to allow Large Commercial retail. I am a small business owner right by the Home Depot site. While the increased traffic would expose my business and perhaps increase sales, I hate the thought of the congestion, traffic and pollution. In addition, the small business that are in the area such as Cole Hardware would cease to exist. Please preserve the unique flavor of San Francisco and save the Bernal Hill neighborhood.

Sincerely,



Molly N. Maloney



BERNAL HEIGHTS NEIGHBORHOOD CENTER

515 Cortland Avenue, San Francisco, CA 94110 • Tel: (415) 206-2140 • FAX: (415) 648-0793

Mr. Jose Campos
Planning Supervisor
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco CA 94102

Dear Mr. Campos:

With this letter, the Bernal Heights Neighborhood Center is submitting written comments on the Bayview Hunters Point Redevelopment Project Draft EIR, Planning Department Case Number 1996.546E.

First, we would like to emphasize that we applaud the years of hard work that our neighbors and planners in Bayview/Hunters Point have put into developing this plan for revitalizing this section of San Francisco. We understand the sense of urgency that the plans' sponsors have in moving this forward in a timely manner. And we have no interest in trying to derail this project, or stand in the way of progress for this deserving region of the city.

We do, however, have some comments on a small component of the plan, because it directly affects Bernal residents in a significant way. We are concerned about the proposal to rezone Bayshore Boulevard into the new zoning category "PDR/Large Commercial," and the effort to encourage the development of Big Box retail in that area.

The way the City draws the map of our neighborhoods, Bayshore Blvd. is in the Bayview district. Yet it's right at the foot of Bernal Heights, and is one of only a few access roads that we can use to get in and out of our hilly neighborhood. Bayshore only a stone's throw from hundreds of Bernal residents, but probably over a mile from almost any Bayview residents (separated by the industrial district). So whatever happens on Bayshore Blvd. concerns us deeply because it affects us significantly.

Our concerns about this zoning change are in two areas: traffic and job/business loss.

Traffic Issues

Significant traffic congestion from Big Box.

Developing Bayshore Boulevard as a kind of "Big Box alley" will significantly increase traffic both on Bayshore Blvd. and on other feeder streets, including Cortland Avenue, which runs through Bernal's primary business district. The nature of Big Box stores is such that they attract a large customer base, from areas far beyond the local neighborhoods. This means people will be driving here who wouldn't otherwise be in the neighborhood, and will therefore increase traffic.

Traffic on Cortland Avenue is already bad enough, threatening the safety of the high number of pedestrians, including kids and seniors, in the neighborhood. In fact, the current traffic safety issues prompted the City's to do a Traffic Calming Study for Bernal Heights, to suggests ways to address the current problems.

Traffic Numbers Problematic

It does not seem that a complete traffic study was done for this DEIR. There is some discussion of changes in the Level of Service for certain intersections, but these seem problematic and need further study. First, the intersection of Cortland and Bayshore was not even addressed. Yet we know that this is a key intersection that would be highly impacted by traffic resulting from big box development on Bayshore. Indeed, traffic on other parts of Cortland, including Mission and Cortland, should be addressed by this proposal. Because they are not, we believe the traffic impacts have been understated in this DEIR.

Also, the numbers for Bayshore and Industrial seem to contradict (or at least are not consistent with) numbers in the traffic study for the proposed Home Depot. The Bayview/Hunters Point DEIR rates Industrial and Bayshore's current level of service as level D. It rates 2025 at level F (unacceptable to the City) with or without this Project. The Home Depot DEIR rates current level of service also as D, but then offers "Current plus Home Depot" at level D, and 2015 Plus Home Depot still at level D. So do the numbers in the Bayview Hunter's Point DEIR assume that Home Depot is built as proposed? Does "2025 Without Project" assume that there is no big box development, including no Home Depot? In that case, why would the no project option result in level F, yet a Home Depot results in level D? The Home Depot DEIR looks at numbers only 10 years in the future, but the Bayview DEIR looks at 2025, 21 years in the future.

We understand that the Home Depot DEIR is not subject this comment period, but it seems to us that the City is inconsistent in how it evaluates traffic numbers between these two projects, which makes it difficult for the public to understand the actual traffic impact. We think these numbers need more detail and study.

Air Contaminants Resulting From Traffic

Because we think the traffic congestion has been understated in this DEIR, we think that the air contaminant numbers may also be understated. Cars which are idling because of traffic congestion contribute a higher level of air contaminants than cars in free flowing traffic. So once the traffic numbers are adjusted, we think the air contaminant numbers will also need to be re-evaluated.

Business and Job Loss

The Project proposes that Bayshore be rezoned for Large Commercial use. While on the face, this may seem no different than the current zoning status, the Project goes farther, by actually encouraging big box development. The Eastern Neighborhoods study, which explains these zoning designations, explains that this would require assembling large parcels of land:

"Large retail activities, including some "Big Box" operations, need sizable parcels of land to store and sell a wide range of merchandise. They also require a large amount of open space to provide parking for their customers who are looking to buy big and heavy items, such as computers or televisions. Examples of larger retail users are Target, Walmart, Home Depot, Office Max, Barnes and Noble, and Costco."

(Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook, February 2003 Page 29.)

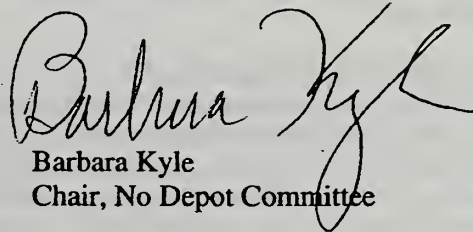
The current property ownership map of this area reveals that there are very few parcels which are big enough to support big box commercial uses. (The Goodmans/Whole Earth Access parcels are the exception to this.) This means that in developing big box use, a developer would need to assemble many small parcels, most of which currently are less than 20,000 square feet, and used by smaller, locally owned businesses with PDR uses.

So in developing these parcels for big box commercial, there would certainly be some job loss and loss of local business. Since job goals are set in this plan, it seems that this DEIR should also evaluate the potential job loss (particularly PDR jobs) and business loss that would result from big box development.

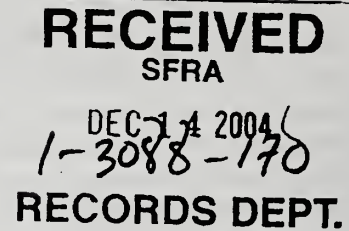
Sincerely,



Viola Morris
Acting Executive Director
Bernal Heights Neighborhood Center



Barbara Kyle
Chair, No Depot Committee



December 10, 2004

Jose Campos
San Francisco Redevelopment Agency
770 Golden Gate Avenue
San Francisco, CA 94102

Dear Jose,

We received and reviewed the Bayview Hunters Point Redevelopment Plan Draft EIR and made general comments at the December 8, 2004 DEIR public hearing. We are submitting this letter to provide further detailed comments, as presented below, and appreciate your consideration of these issues.

Plans, Policies and Land Use

The DEIR references the Port's Waterfront Land Use Plan (WLUP), but acknowledges only the Port's open space sites and policies. Within the Southern Waterfront, the primary policy focus of the WLUP is to support and enhance cargo shipping and maritime uses, including its supporting transportation and infrastructure systems. An excerpt of the WLUP addressing the Southern Waterfront is attached for your information.

In light of the close proximity of the Port's activities to the BVHP Plan area, the DEIR should include a description of these maritime and industrial policies. Similarly, the land use setting and impacts discussion should account for the presence of these nearby Port industrial and maritime operations. They include marine terminals at Piers 80, 92 and 94-96 handling break bulk, liquid and bulk cargoes; one operating concrete batch plant and another two under construction near Pier 92; two sand mining and one concrete recycling facility near Pier 92; a tallow rendering plant along Amador Street; and the City's primary recycling facility at Pier 96. In addition, the DEIR should acknowledge the freight rail tracks serving the area, extending from the peninsula mainline which extends through the BVHP project area. The DEIR separately acknowledges the Port's planning efforts to develop warehouse and distribution facilities in the Piers 90-94 Backlands. The discussion of the Port's policies and existing operations is important context for the Port's efforts to pursue the warehouse facility improvements.

The DEIR should address the land use and impacts that could be generated from the proposed rezoning and potential development of residential use at Third and Cargo within this industrial area.

Transportation

The DEIR should address peninsula passenger and freight rail operations of the Caltrain Joint Powers Board and Union Pacific Railroad. Currently the Port operates freight service out of the Inter-modal Cargo Transfer Facility—a freight rail yard and staging area adjacent to Cargo Way—which follows existing tracks through the Third and Cargo Way intersection that connect with the peninsula mainline rail tracks. The Port also has commenced construction of the Illinois Street Intermodal Bridge, which will provide direct freight access across Islais Creek to Pier 80

break bulk cargo terminal, and reduce the number of trucks on Third Street. Freight movements through Third and Cargo occur mid day and in the late evening and early morning hours, past housing sites proposed in the Plan for this area. The rail tracks extend south along the existing JPB peninsula corridor, also passing by the Coca-Cola site proposed for housing in the Plan. In addition to freight rail movements, Caltrain has a Strategic Plan to increase the frequency of passenger trains. The DEIR should address this issue and include mitigation measures as necessary. The DEIR also should acknowledge the Illinois Street Intermodal Bridge project. The Port has awarded the contract for the complete design and construction of the first phase of the project, and expects the project to be substantially complete in mid-2006.

Cumulative Impacts

Our understanding of the DEIR cumulative impact analysis is that it includes an evaluation of transportation, air quality and other impacts from development activities within the BVHP Plan area as well as surrounding areas, including potential future development of the Pier 90-94 Backlands. We would appreciate an opportunity to meet with you further to better understand some of the technical details and assumptions that were incorporated into this analysis.

Hydrology and Water Quality

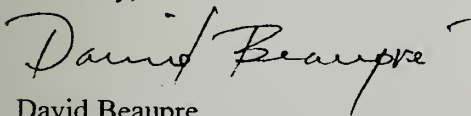
The discussion on the bottom of page III.M-12 describes the listing of Islais Creek as an impaired water body. Please indicate that the listing applies only to that portion of Islais Creek west of Third Street Bridge.

The report describes regulatory requirements for areas of the Port draining to separate storm sewer systems. It would be useful if Figure III.M-1 showed those areas. The discussion of drainage to Islais Creek should be amended to indicate three storm water outfalls east of Third Street Bridge conveying discharges from Piers 90 and 92. Note that all storm water runoff within Port jurisdiction east of Cargo Way and south of Islais Creek discharges directly to the Bay.

Page III.M-37 of the DEIR states that runoff to separate storm sewers within the study area flows directly to the Bay without treatment. To the extent the analysis considers storm water runoff from Port property, it should indicate that a significant quantity of runoff from the Port in areas south of Islais Creek is either treated or recycled. Port staff can provide you with details regarding specific structural storm water controls that are currently in place or under construction, as well as a map of the Port's storm water collection system for areas south of Islais Creek.

Thank you for the opportunity to comment on the Draft EIR. As indicated above, we would like to meet with you to review some of the technical details and assumptions, and also would be happy to answer any questions you may have.

Sincerely,



David Beaupre
Senior Waterfront Planner

CC. Stan Muraoka, SFRA
Byron Rhett, PSF
Diane Oshima, PSF
John Mundy, PSF

APPENDIX B: PUBLIC HEARING TRANSCRIPT

SAN FRANCISCO PLANNING COMMISSION
PUBLIC HEARING

TRANSCRIPT OF PROCEEDINGS

DATE: Thursday, December 2, 2004

TIME: 1:30 p.m.

PLACE: City Hall

1 Dr. Carlton B. Goodlett Place

San Francisco, CA

Reported by: Anthony Jude Cordova, RPR

Job No. 358462

<p style="text-align: right;">Page 2</p> <p>1 COMMISSIONERS PRESENT:</p> <p>2</p> <p>3 Shelley Bradford Bell</p> <p>4 Sue Lee</p> <p>5 Michael Antonini</p> <p>6 Dwight Alexander</p> <p>7 Kevin Hughes</p> <p>8 William Lee</p> <p>9 Christina Olague</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 that all commenters speak slowly and clearly. We also</p> <p>2 ask that you state your name and address so a copy of</p> <p>3 the comments and responses document can be mailed to you</p> <p>4 when it is completed.</p> <p>5 After comments from the public, we will take</p> <p>6 comments on the draft EIR from commissioners. The</p> <p>7 written comment hearing began on October 19, 2004, and</p> <p>8 it continues until 5 p.m, December 10, 2004. This</p> <p>9 concludes my presentation and I ask that the public</p> <p>10 hearing on the draft EIR be opened.</p> <p>11 COMMISSIONER BELL: Okay. We'll open up the</p> <p>12 public comment on this. I do have speaker cards. I'll</p> <p>13 go through the cards, and the first card is Eugene</p> <p>14 Merrick and then Don Shan, and I apologize in advance if</p> <p>15 I'm mispronouncing names. If they're not here, next</p> <p>16 card I have is John Daniel, Lynn Egers, Francisco</p> <p>17 Dacosta. I know you're in the room. And after</p> <p>18 Francisco, I have Lon -- it looks like Morgan.</p> <p>19 MR. DACOSTA: Commissioners, my name is</p> <p>20 Francisco Dacosta, DACOSTA, 4909 Third Street in</p> <p>21 San Francisco, and the ZIP code is 94124.</p> <p>22 Commissioners, I've spoken to you before, and</p> <p>23 some of you do know that I work in The Presidio. When I</p> <p>24 worked in The Presidio of San Francisco, I participated</p> <p>25 in various deliberations. Some of them included a</p>
<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS</p> <p>2</p> <p>3 SPEAKER: Good afternoon, President Bell and</p> <p>4 members of the commission. The item before you is a</p> <p>5 public hearing on the draft environmental impact report</p> <p>6 for case number 1996.5466E Bayview Hunters Point</p> <p>7 redevelopment project and rezoning.</p> <p>8 Today's action is a public hearing on the</p> <p>9 adequacy and the accuracy of the information contained</p> <p>10 in draft EIR, and we ask that comments be focussed on</p> <p>11 this. There will be no decision today to approve or</p> <p>12 disapprove the proposed project. The hearing will</p> <p>13 follow -- that hearing will follow the final EIR</p> <p>14 certification.</p> <p>15 We are here today to receive comments from the</p> <p>16 public and the commissioners regarding the draft EIR as</p> <p>17 part of the environmental process required by the</p> <p>18 California Environmental Quality Act. The public and</p> <p>19 commissioners should note that staff is not here to</p> <p>20 answer comments today.</p> <p>21 The comments will be transcribed and responded</p> <p>22 to in writing in the comments and response document</p> <p>23 which responds to all comments received and makes</p> <p>24 revisions to the draft EIR as appropriate.</p> <p>25 There is a court reporter here today. We ask</p>	<p style="text-align: right;">Page 5</p> <p>1 general management plan, environmental impact</p> <p>2 assessment, a report and study.</p> <p>3 What has happened here is that we are having</p> <p>4 major changes made to over 9,000 parcels and the area of</p> <p>5 over 2,500 acres, and if one agrees to this draft</p> <p>6 environmental impact report, one finds that this report</p> <p>7 has been very hastily prepared.</p> <p>8 For example, if we look at the area, we need</p> <p>9 to give some historical relevance to the French, to the</p> <p>10 Maltese, to the Samoans, to the Chinese, to the Germans</p> <p>11 who played an important role in the southeast sector</p> <p>12 which is known to us as the Bayview Hunters Point.</p> <p>13 We see very little reference made in the draft</p> <p>14 environmental impact report. When it comes to the</p> <p>15 African-Americans, we have a line or two. This is</p> <p>16 wrong. We all know that after World War II and a little</p> <p>17 before it and much after it, African-Americans played</p> <p>18 and contributed a lot to the Bayview Hunters Point.</p> <p>19 Yesterday, I attended another meeting where</p> <p>20 some elements of the draft environmental impact report</p> <p>21 were discussed before a committee that deals with</p> <p>22 historical and landmark buildings. They, too,</p> <p>23 criticized the draft environmental impact report.</p> <p>24 Finally, commissioners, whenever I've come</p> <p>25 here, I have always stressed quality of life issues</p>

1 which are not found in this document. I've stressed for
2 accountability. I've stressed for transparency. We
3 don't find it in this document.

4 We did have some planning meetings, but we
5 really did not have one single meeting by the planning
6 and by redevelopment that touches on the major elements
7 that are not included in the draft environmental impact.
8 Thank you very much.

9 COMMISSIONER BELL: Thank you. Our next
10 speaker is Ron Morgan. After Mr. Morgan, I have Barbara
11 Kyle and then Angelo King and Michael Hammond.

12 MR. MORGAN: Good afternoon, commissioners.
13 My name is Ron Morgan. I live at 238 Richland Avenue,
14 San Francisco, 94110. I live in the Bernal Heights
15 neighborhood, and recently I was the organizer at the
16 Bernal Heights Neighborhood Center. Today, I'm speaking
17 as a private citizen.

18 I want to thank the planning department and
19 the San Francisco Development Agency and specifically
20 the Bayview Hunters Point planning and hearing committee
21 for their hard work and effort in the Bayview Hunters
22 Point plan to which the this EIR refers.

23 The plan under environmental review is a
24 comprehensive and impressive plan, and I applaud the
25 effort of the community in putting it together.

1 My comments today refer to a very small
2 portion of this plan and a small portion of the draft
3 EIR but one which will have enormous impacts on Bernal
4 Heights and possibly the city as a whole.

5 I'm referring to the proposed zoning change to
6 the Bayview Bayshore industrial corridor which is called
7 the Okimba district in the plan. The proposed zoning
8 change would create a new zoning category, PDR/large
9 retail.

10 There are many of us in Bernal Heights who
11 feel that this change reflects a desire to actively
12 promote big box development along Bayshore. We feel
13 that the DEIR is deficient in weighing the potential
14 traffic and air quality impacts of this change, and,
15 also, I'd like to take this opportunity to say this is
16 the second time I've testified on this particular issue.

17 The first was through the eastern
18 neighborhoods planning process for public comment in
19 2003, and at that time, some personnel in the
20 redevelopment agency came to me and others in Bernal and
21 said we should get together and talk you through this
22 and address your concerns, and that has never happened.

23 No one's come to us in Bernal and explained to
24 us the zoning change. We look at this document and go
25 what's going on.

1 I'm not here to tell you to reject the DEIR.
2 I'm just here to register concerns. Again, I don't want
3 to hold up the entire process as it moves forward in
4 years of work, but I think we in Bernal deserve to be
5 communicated with on something that's going to impact us
6 greatly. Thank you.

7 COMMISSIONER BELL: Thank you. Barbara Kyle?
8 You're Ms. Kyle? And then Angelo King. Just start
9 talking.

10 MS. KYLE: My name is Barbara Kyle, KYLE. I
11 live at 50 Santa Rowena Street in San Francisco, 94110,
12 also in the Bernal neighborhood, and like Ron, I'm not
13 here to oppose or support the plan. It's just to
14 comment on this one issue that really is a huge concern
15 for us in Bernal which is the rezoning issue on
16 Bayshore.

17 This map -- this map shows -- this dark part
18 is the section that they want to rezone to a brand-new
19 designation that is called PDR, large commercial.
20 Actually, in an earlier version of the eastern
21 neighborhoods plan, it actually said the name big box on
22 it, but that's basically what we're talking about is
23 creating a big box alley on Bayshore, and that's a major
24 concern for us in Bernal because Bayshore is -- there
25 are very few ways to get in and out of Bernal Heights,

1 and Bayshore Boulevard is a primary artery for us, and
2 so our concerns are really just a couple of things.

3 One is traffic. We've already had a draft EIR
4 on the proposed Home Depot which found some very serious
5 traffic impacts. There's some -- obviously, this
6 would -- by creating all of this as big box, the
7 potential traffic impact is certainly greater than what
8 we've already looked at for Home Depot, and of concern
9 to us is that the intersection of Bayshore and Cortland
10 was not at all represented in the traffic information,
11 in this draft EIR, and it really needs to be because
12 that's a highly impacted intersection.

13 It also concerns us that Industrial Boulevard,
14 the information is somewhat, I think, conflicting with
15 what is in the draft EIR for the Home Depot project.
16 What they do is they compare the existing project, they
17 give it a level of service D at that intersection.
18 Bayshore and Industrial, but then the conclusions about
19 what happens in the future are very different.

20 Here, it says that even without the project,
21 it devolves to level F, and in the Home Depot, when it
22 says -- devolves only to a level D. So that's something
23 I would like to see addressed in the responses is the
24 Bayshore and Industrial intersection.

25 So our other concern has to do with small

1 business. We actually -- we're concerned that this may
2 compete with some businesses on Third Street, but also
3 there's a lot of small businesses and small parcels on
4 this corridor.

5 This orange is the area that's proposed for
6 rezoning, and if you look at all of these small parcels,
7 there's a lot of small businesses there. The only areas
8 potentially available for big box is one in particular.

9 So it basically would mean really mowing down
10 a lot of the small businesses to create big enough
11 parcels for big box. That's of concern to us as well.
12 Thanks.

13 COMMISSIONER BELL: Thank you. Angelo King
14 who I also want to recognize as a commissioner on the
15 environmental commission, but I'm sure that's not why
16 you're here tonight. Welcome.

17 MR. KING: Thank you very much. I won't go on
18 with any more pleasantries about that. My time is
19 running out. I'd like to thank you, the president and
20 commissioners.

21 My name is Angelo King. I'm the chair of the
22 Bayview Hunters Point project committee, and I've been
23 involved in planning, and I've been here for both issues
24 regarding EIRs and the Home Depot issues.

25 So, really, quickly, I want to give you a main

1 Home Depot and its impact on that area, we can debate
2 that separately in that EIR which, as I remember, there
3 was a lot of people contesting the size of the store
4 which, in my opinion, the commissioners looked at it and
5 (inaudible) as Home Depot makes some changes to the EIR.

6 So I'm here to say that I want to pass the EIR
7 because it is the first step in approving in our -- our
8 project area committee a redevelopment plan, and that's
9 very important because as we're talking about the
10 impacts of the neighborhood, quite frankly, not that we
11 love the plan, everybody looking in our community.
12 We're losing our right --

13 COMMISSIONER BELL: Thank you. Mike Hammond
14 and then Nick Griffin.

15 MR. HAMMOND: Commissioners, thank you.
16 Michael Hammond, 702 Earl Street. I'm a resident of the
17 Bayview, I'm a business owner in the Bayview, and I sit
18 on the project area committee, and as most of you know,
19 we have been engaged in a multi-year, over seven years
20 now, planning process in our neighborhood that's
21 involved hundreds of meetings, tens of thousands of
22 man-hours of volunteer effort, massive outreach,
23 probably the largest single and longest lasting planning
24 process in any neighborhood of the entire city.

25 We have invited everybody to be involved.

1 point here which is I talked to some of these planners
2 because, of course, we're not experts, but we're charged
3 with an advisory committee.

4 Some of us take that task a little more
5 seriously than others, and for myself, I'm always
6 asking, well, how do you get to -- for myself, I'm
7 always asking how -- excuse me.

8 For myself, I'm always asking how do we get to
9 these numbers, how do we get to those statistics, these
10 figures in terms of traffic and things of that nature,
11 and the planner simply told me a lot of that goes into
12 what we suggested and talked about over the years that
13 it should go in these areas, what community planning has
14 gone into saying I want to see this here, I want to see
15 that there, and from those -- from those meetings and
16 from where we said we'd like to see in this
17 neighborhood, we start to extrapolate, well, this is
18 going to be more dense here, we're looking at retail
19 here and things of that nature, and so to go now to --
20 so now we're at the point to where this EIR -- this is a
21 much larger (inaudible).

22 I disagree. We were talking about looking at
23 this EIR, as far as I can remember, around two years,
24 and from my understanding (inaudible) -- Home Depot has
25 its own EIR, and so in terms of debating the merits of

1 We've encouraged people to be involved. We have -- I
2 know our chairmen -- 2 of our chairmen have made
3 personal invitations to the people in Bernal to become
4 involved and to attend the meetings and to discuss the
5 planning for our neighborhoods.

6 It is not right to allow an 11th hour on the
7 11th day after a seven-year process involving all this
8 effort to allow this project to become derailed by these
9 last-minute objections, objections that could have been
10 heard and dealt with a long time ago, but I also want to
11 comment on the appropriateness of one neighborhood
12 denying the legitimate development aspirations of
13 another neighborhood.

14 Every single meeting I have attended in all
15 the years I've been on PAC and working in our
16 neighborhood, and every single instance, the No. 1
17 concern of everybody in our neighborhood is jobs.

18 We are determined to provide for economic
19 development in our neighborhood and to provide the jobs
20 that are so desperately needed by the citizens in our
21 neighborhood. We've identified this corridor as an
22 opportunity for economic development.

23 We want the same kind of prosperous street
24 scape that exists already along Cortland Avenue where
25 there are prosperous businesses, where people walk on

1 the street with economic activity on their mind and
2 where there are jobs for people in the neighborhood. We
3 want the same thing they have.

4 It's not fair, it's not right for one group of
5 elite people on the hill to deny us of the right to
6 develop in the way that we see is in our best interests.
7 We urge you to allow this plan to go forward, to allow
8 these jobs to be created, to provide for the economic
9 opportunity that is so desperately needed in our
10 neighborhood, and the notion that somehow this is an
11 inappropriate spot for large-scale retail, you know,
12 that's all that's ever been there.

13 There was at one time an operating Goodman's.
14 There was at one time a Whole Earth Access. There's
15 nothing there now but tumbleweeds. Thank you.

16 COMMISSIONER BELL: I'm going to go back and
17 just make sure. Eugene Merrick or Don Shane or John
18 Daniel or Lynn Eckert? Okay.

19 MS. GRIFFIN: Good afternoon, president and
20 commissioners. My name is Nicky Griffin, and I live at
21 (inaudible) in Bernal Heights, and I also (inaudible),
22 so I travel both of these neighborhoods. I have a great
23 deal of affection for the Bayview (inaudible), so I'm
24 very concerned about these large, sweeping plans like
25 redevelopment, but I understand there was a lot of

1 community input that's been taken, so I'm not going to
2 comment on any of the part of that plan, except I am
3 going to comment on this new PDR large commercial
4 zoning.

5 I don't think it's fair what the gentleman
6 just ahead of me said. I don't (inaudible). I think we
7 really need to look at the fact that this is a boundary
8 between two neighborhoods. It's a boundary between two
9 very different landscapes.

10 The Bayview area is flat. There are already
11 straight, wide roads (inaudible) landfill. Bernal
12 Heights is a very hilly area. We have some incredibly
13 narrow streets, blind corners, very dangerous corners.

14 We worked for a number of years at the
15 neighborhood center working with elderly people and
16 senior citizens, and I've lived in the neighborhood for
17 over 20 years, and I've seen how traffic has greatly
18 increased just from the development of the empty lots
19 remaining in Bernal Heights, and I really fear for the
20 traffic safety of our neighborhood because I see how
21 Cortland -- Cortland during rush hour, stop and go on
22 Cortland in the morning and in the evening because it's
23 already so busy, and that's going to be one of the main
24 routes to get to this new commercial district, and also
25 I wanted to comment, we already have thriving businesses

1 on Bayshore Boulevard.

2 Those businesses, as Barbara mentioned, will
3 have to be destroyed to include big box. Big box is a
4 whole different scale. This PDR commercial is allowing
5 a whole different scale of commercial development to
6 come in.

7 It's the kind of large, huge, square
8 development you see on the outskirts of cities, sprawled
9 developments. I just don't feel it's appropriate in
10 this particular edge of the neighborhood. I would hate
11 to see this full plan get stopped just because of this
12 one area, but, surely, this could be looked at and
13 considered, maybe just left at the existing zoning
14 because -- I mean, I don't like to see Goodman lot to be
15 empty, but the whole reason that the Goodman has
16 remained an empty site is because -- thank you.

17 COMMISSIONER BELL: Any other public comment?

18 MS. MERRILL: Good evening. My name is Azalea
19 Merrill. I'm a native San Franciscan, and I grew up in
20 Bernal Heights, spent my entire childhood there, and
21 although I no longer live there, I have very close
22 connection to Bernal Heights.

23 My grandmother still lives in her home there,
24 and I also -- I realize -- I work with a good many of
25 the young people who are coming out of the Bayview

1 Hunters Point, and in regards to the PDR issue, I really
2 do not see it as something that I -- that I need to
3 support because these are people who very much need the
4 jobs and very much -- that corridor, as it's been
5 stated, has not been -- has been tumbleweeds.

6 Goodman has been closed for a number of years
7 and it's very sad to see it closed, but PDR is meant to
8 protect areas such as Goodman, to assure that they
9 continue to thrive, continue to find the jobs.

10 I don't know how many commissioners are aware
11 of the original woodwork in this room. It happened to
12 come from a company that I'm familiar with some of its
13 ex-employees. It's a company named Fink and Shindlin,
14 and, unfortunately, at the time, it thrived for over 120
15 years in South of Market, and, unfortunately, because
16 there were no PDRs during the dot-com era, a hundred
17 people who had worked, some of them, their parents had
18 worked at that company, but because there were no PDR
19 controls within the South of Market area at that time or
20 not sufficiently strong, I should say, development grew
21 around them and decided that they should be shut down,
22 and I'm among the number of other large employers who
23 lived in the community, who spent their money in the
24 community and thrived.

25 This is one of many, and it was very much a

1 piece of this neighborhood which included the school,
2 and it just pains me to watch companies that do employ
3 people within the community to -- to be killed, to not
4 have the protections afforded to them through the PDR
5 protections. Thank you very much.

6 COMMISSIONER BELL: If we could move in
7 quietly, please? Could we move in quietly because we're
8 in the middle of another hearing here.

9 MS. HESTE: My name is Sue Heste. I'm on the
10 mailing list already. HESTE. I'm speaking on behalf of
11 Cole Hardware who I'm representing on the Home Depot
12 project. I don't know. This Okimba activity, that name
13 doesn't trip off the tongue for the agency.

14 In looking at the land use and zoning areas
15 and the discussions on page 3B and 4, I think it would
16 be helpful to acknowledge that there is adjacent Bernal
17 Heights to the west, and there is adjacent Portrero Hill
18 to the north rather than just freeways as boundaries
19 because that's not exactly accurate.

20 When you look at the map on page 3B20 which is
21 the zoning map, one of the things that the planning
22 department has kind of forgotten and it probably needs
23 to be acknowledged by someone is that we're creating an
24 orphan M1 zone that isn't going to be affected by
25 anything.

1 need to discuss in this EIR in the context of affordable
2 housing is are we resegregating -- going to resegregate
3 this community by dumping in more affordable housing as
4 every affordable inclusionary project -- every
5 inclusionary housing project is dumped in here because
6 no one wants to have them in their precious
7 neighborhoods like Rincon Hill.

8 COMMISSIONER BELL: Thank you. Next speaker
9 is Bree LaMer. Bree Laman? No Bree? Bree? And
10 following here is Mike Ross -- Voss.

11 MS. LAMER: Yeah. My name is Bree Lamer. I
12 live at 869 Peralta. Our back yard overlooks Goodman's
13 Lumber -- used to be Goodman's Lumber, I overlook
14 Bayshore, and so I have a good perspective of what's
15 happening down in that area.

16 I remember when we moved in, it was Goodman's,
17 and then Goodman's moved out and the Graffiti moved in,
18 and then it got cleaned up, and now we have a Christmas
19 tree -- Christmas tree lot down there. So to show that
20 there is small business, and I look forward to seeing
21 the Christmas trees every year come in.

22 I don't believe that Cortland Avenue can
23 manage any more traffic coming through. Cortland is the
24 main artery between Mission and Bayshore, a lot of
25 people there, and then you have trucks parked on

1 The Cortland area between the freeway overpass
2 and Cortland -- pardon me -- and Bayshore is zoned M1,
3 and it's the only M area in the city that will not be
4 rezoned because they have just kind of left it out in
5 any studies, and we would like to have that in, which
6 leads to the questions that I want to follow up on.

7 We met with the agency a year ago and said you
8 need to deal with some of the issues relating to
9 Cortland and Bayshore, and it's stunning that we get the
10 EIR and it's as though we never had those conversations.

11 This EIR and the EIR for Home Depot should
12 read compatibly, and if it reads compatibly, it means
13 that you have the same Bayshore intersections analyzed
14 because they all have the same impacts because the
15 Home Depot EIR analyzes not only Home Depot, but big box
16 activity in that EIR, and why is Cortland Avenue not in
17 here?

18 Cortland Avenue is a major bottleneck not only
19 for the people in Bernal Heights, but also for the 24 of
20 us who serves both of our neighborhoods and gets
21 congested and it gets backed up at that intersection,
22 and so you have no information on transit impediments
23 for both neighborhoods because you don't have it in
24 here.

25 One of the other issues that I think that you

1 Cortland and people have to go around.

2 It gets stopped up. Cortland isn't in that
3 good a shape. It's bumpy. I'm down at the bottom of
4 the hill, and I see people coming down -- coming down to
5 Cortland, and to have an excess amount of traffic would
6 be a real -- I don't think Cortland can take it.

7 The other thing that I'm thinking is that I --
8 I drive over by Cesar Chavez every morning, and I see
9 all of the day workers along the way, and I see them
10 moving onto Cortland and moving into our area, and I
11 don't -- I don't see that that's a productive thing to
12 have happen, and I don't see that that's good.

13 So I really want to provide jobs, and I want
14 to help, but I don't know that putting a big box along
15 Bayshore is necessarily the answer because a lot of
16 small business owners there that are doing very well and
17 that lend to the environment that we have. So thank you
18 very much.

19 COMMISSIONER BELL: Thank you. Any other
20 public comment on this item?

21 MR. VOSS: Hi. My name is Mike Voss, and I'm
22 the owner of Rocky Mow's Landscaping. I'm one of the
23 small businesses on Cortland Avenue just a few hundred
24 yards from Bayshore Boulevard. I'm also a resident of
25 Bernal Heights. I have two small children, Jessie,

1 eight, and Isaac, four, and I'm very concerned about the
2 large industrial zoning aspect of this plan.

3 I do want to say that I support the economic
4 redevelopments of Bayview Hunters Point. I believe in
5 economic vitality, and I think the efforts to improve
6 the community as such are absolutely wonderful. It's
7 good for the neighborhoods, Bayview Hunters Point, and
8 it's good for the city.

9 However, neighborhoods don't exist in
10 isolation. Neighborhoods have borders and borders on
11 other neighborhoods. The neighborhood of Bernal Heights
12 would be greatly impacted by this large development, the
13 big box alley as proposed.

14 I'm very concerned about the health and safety
15 issues and impact on the neighborhood. My business sits
16 right by where the 101 freeway crosses, and I sit on the
17 second floor, and I spend a lot of hours looking out of
18 that office avoiding my paperwork watching the traffic
19 go by, and I see bottlenecks.

20 The lines of cars currently that back up from
21 Bayshore up 25, 35 deep during rush hour, I see the
22 frustration on a daily basis. I hear the horns blown
23 when the construction company next-door to me let's its
24 trucks come in at 3:30, they back in, it causes
25 bottlenecks, the horns start blaring. I can almost set

1 my clock to it, it seems.

2 It's only a matter of time before somebody
3 pulls out of that area and passes traffic. Just last
4 night, I had to jump back from a car coming down the
5 hill passing in the other lane.

6 Cortland Avenue cannot handle any more
7 traffic. The economic area in Bernal Heights is greatly
8 stressed out as it is. I was former president of the
9 Cortland Merchant Association, so I'm very familiar with
10 the necessity of traffic coming through the area, but
11 there is no more parking.

12 Most of the times of the day, it's hard to
13 find parking. So the excess traffic by the big box
14 alley would have a huge impact in Bernal Heights, and I
15 don't think that this is addressed. I would greatly
16 encourage evaluation of the impact of the big box alley
17 on neighboring Bernal Heights. Thanks very much.

18 COMMISSIONER BELL: Thank you. Linda
19 Richardson?

20 MS. RICHARDSON: Commissioners, good evening.
21 The plan that you have in front of you today has taken
22 almost nine years to develop. The interagency
23 corporation that we need to implement, thousands and
24 thousands and thousands of hours working with the
25 agency, working with the planning commission, working

1 with our (inaudible).

2 What you have is a plan, a comprehensive plan.
3 Let's look at Hunters Point in its entirety. You know,
4 I'm very familiar with development in the city. As you
5 know, I was here on this commission when the Bernal
6 Heights planning was put in place. In fact, I think I
7 carried a resolution to put it forward.

8 What we've done, we have compared the
9 southeast sector with the entire city looking at a
10 master plan and also proposing uses that we know will
11 help us to revitalize that part of San Francisco which
12 you know has been neglected for a long time.

13 Yes, transportation issues, environmental
14 issues, we dealt with all the components of each and so
15 we know our issues that are of great concern to our
16 neighbors and people in Hunters Point, and we don't want
17 to (inaudible). You know, the Home Depot project, I
18 should know, has undergone a scrutiny over scrutiny.

19 We have thousands and thousands of hours. So
20 what you have today is that it's time to move Hunters
21 Point forward. It cannot be held hostage anymore, and
22 their moves to negotiate or collaborate with our
23 neighbors, absolutely, but the EIR is basically the
24 concept that we have spent years and years and years
25 developing with the experts, and also there are people

1 in Bernal Heights that also support the development of
2 Hunters Point because that area needs to be revitalized.

3 We need housing in Bayview. We need enhanced
4 transportation. We need -- I'd like to go on and on and
5 on. So, please, we need you to move forward on this
6 plan, no more delay. Thank you.

7 COMMISSIONER BELL: Thank you. Commissioner,
8 thank you for being here, and also Commissioner Leroy
9 King, welcome. After you, I have Charlie Walker.

10 (There was a discussion off the record.)

11 COMMISSIONER BELL: State your name for the
12 record.

13 SPEAKER: My name for the record is
14 (inaudible) and for the San Francisco community, I see
15 the importance that this new intersection is made for
16 production in the San Francisco community. Now, it's
17 not going to make a difference what color the people are
18 or who the people are working off this intersection.

19 The only difference that is going to be made
20 is that people go to work, so that people who are coming
21 on this intersection going to work, it's not because of
22 their -- their background, whether they're black,
23 Mexican or white. It's not going to change. It's not
24 going to bring down or bring up the community unless
25 these people that are coming off this new way are going

1 to work for a product -- positive cause, and, so,
2 basically, what I was telling you is that the people who
3 don't want this freeway made because they see that there
4 will be accidents and there will be increase in crime
5 due to urban community moving into work is not
6 necessarily true at all as long as people that are
7 coming in are going to work for a positive cause. Thank
8 you.

9 COMMISSIONER BELL: Thank you. Charlie
10 Walker?

11 MR. WALKER: Good evening. You know, I'm a
12 little unhappy about this, and I have been some time. I
13 don't know if all of you knew, Bernal Heights, when they
14 built that sewage treatment plant out there and they
15 went on putting the pump station in Bernal Heights,
16 Bernal Heights took a white sign and put it over there
17 with us because that's where most black people live, in
18 Bayview Hunters Point.

19 Now they're getting to be some business.
20 They're the same ones complaining. Now they want us to
21 be noble and say, well, after all, it's not about color.
22 We need -- it's all about color. It's all about color,
23 the sewage treatment plant in our community, completely.
24 Now when they look like it's going to be some employment
25 and something like that, they can't have it both ways.

1 They can't have it the way they want it all
2 the time. Our community is going to exist. We've
3 existed through slavery, we've existed through AIDS,
4 we've existed through everything, and we're going to
5 exist whether they like it or like it not. You know
6 what I mean?

7 So I am really, really up in arms about the
8 Home Depot issue. They don't want that. Bernal Heights
9 don't want this. They didn't want the sewage treatment
10 plant, either. So what did white people in this --
11 running this city, Feinstein do?

12 Okay. Don't worry about it. We ain't going
13 to put no pump station on either side. We ain't going
14 to put no pump station there. We'll put all the sewage
15 treatment plants in the middle of Bayview Hunters Point.

16 Okay. If we can have all the sewage treatment
17 plant, we can certainly have some business so that our
18 people can at least continue to exist in this city
19 rather than them try to drive all of us out of this
20 city. That is unheard of.

21 COMMISSIONER BELL: This is going to be a long
22 night, so I'm going to ask everybody to please refrain
23 from outbursts and applauding even though I know that
24 you're very passionate about why you're here. Let's try
25 to maintain some level. All of our testimony is being

1 recorded for the DEIR. Is there anyone else? Pastor?

2 MR. WALKER: Thank you. I'm Elias Walker, and
3 I'd just like to add my voice, especially what
4 Ms. Richardson said. We have been before this
5 commission, and the majority of the people of Bayview
6 Hunters Point have spoken.

7 We support the Home Depot because of the job
8 development and also annuities that go along with it,
9 but what I'd like to say is that we appreciate everyone
10 looking out for us and all that, what they're saying,
11 but we don't need anyone speaking for us.

12 We make our own decisions, and the community
13 have made a decision that they want the Home Depot for
14 economical reason, and that's the main thing I want to
15 say. Thank you very much.

16 COMMISSIONER BELL: Thank you. Is there any
17 other public comment? Okay. Seeing none, we're going
18 to move to our next item. I just want to remind you
19 that this is open for written comment until December 10.
20 So we'll be taking written comment on this DEIR until
21 that time. I'm going to just say from --

22 SPEAKER: I just wondered if the commissioners
23 wanted to speak to this item.

24 COMMISSIONER BELL: We're about to do that. I
25 was just going to say for the record the Bayview Hunters

1 Point community has been working on this redevelopment
2 plan for at least seven years, maybe a little bit more
3 than that. This is vital to what the community wants to
4 accomplish.

5 Home Depot came before us as a DEIR on July 10
6 of 2003 and we have not seen it since. It will
7 eventually come back, and I think the issues concerning
8 that should be addressed at that time.

9 These redevelopment general plan amendments
10 that we're looking at in this DEIR are for the health
11 and vitality of the Hunters Point community. It is --
12 there have been many meetings and in the PAC. There
13 have been many meetings held on redevelopment in the
14 community. There have been lots of opportunities to
15 comment on it, and I'm going to wholeheartedly agree
16 that it's time for this -- for us to really move forward
17 with this DEIR.

18 It's just too important to the Bayview
19 community, and I speak not only from this seat, but,
20 also, of course, from my role as the director of the
21 Bayview Opera House. So it's time for us to move things
22 forward. I'm sorry. I'm sorry. Commissioner Antonini?

23 COMMISSIONER ANTONINI: I'd just like to --
24 I'd just like to echo what President Bradford Bell said.
25 I mean, I've read this over. This has been a very, very

1 long process, and it's very important that the
2 revitalization move forward.

3 I hear the concerns from others about traffic.
4 I hear the concerns about possibly protection of PDR in
5 the area. I think these are things that have to be
6 addressed, but I think in the final analysis, that we
7 have to move forward with this as much as we can while
8 still addressing these concerns, and I think where
9 mediation is possible, and I would be interested in
10 seeing -- there was mention of whether or not some of
11 the remediations in regards to traffic were contained in
12 this EIR as opposed to the EIR that was produced for
13 Home Depot. It would be interesting to see if -- there
14 should be a similarity between those two.

15 So that was one thing that struck me that we
16 may want to look at, but I think the important bottom
17 line is that this is a long, long process, and we're
18 hopefully getting towards the end of it and we're going
19 to see some results.

20 COMMISSIONER BELL: Any other commissioner
21 comments? Okay. Now I'll move forward to our next
22 item. Thank you all very much.

23 (The proceedings ended at 6:30 p.m.)
24
25

1 CERTIFICATE OF REPORTER

2 I, Anthony J. Cordova, duly authorized
3 shorthand reporter, do hereby certify:

4 That the foregoing transcript constitutes a
5 true, full and correct transcript of my shorthand notes
6 taken as such reporter of the proceedings herein and
7 reduced to typewriting under my supervision and control
8 to the best of my ability.
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13 _____
14 Anthony J. Cordova, RPR
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REDEVELOPMENT AGENCY
OF THE
CITY AND COUNTY OF SAN FRANCISCO

TRANSCRIPT OF PROCEEDINGS OF ITEM 4(K)

HELO AT CITY HALL

SAN FRANCISCO, CALIFORNIA
DECEMBER 7, 2004

REPORTED BY: HOLLY J. PIKE, CSR NO. 12170, RPR

SAN FRANCISCO, CALIFORNIA; TUESDAY, DECEMBER 7, 2004
7:15 O'CLOCK P.M.
-000-

MR. TANJUAQUIO: 4(K), the public hearing on the Draft Environmental Impact Report for the Bayview Hunters Point Redevelopment Project areas.
MS. ROSEN: Thank you, Mr. Secretary.
Commissioners, Stan Muraoka, the project manager, will present this item for public hearing on the Draft Environmental Impact Report. Again, this is another item for public hearing and not for Commission action tonight.
MR. MURAOKA: Thank you, Director Rosen. Good evening, President Romero and members of the Commission. I'm Stan Muraoka of the agency staff. I was before you at the public hearing on the adequacy of the Draft Environmental Impact Report on the proposed amendment to the Hunters Point Indian Basin and Bayview Industrial Triangle redevelopment plans.
The three proposed plan amendments are based on the city's general plan, the work of the new Bayview Committee from the 80's and 90's, the work of the South Bay Shore Community Development Corporation from the 90's, and the work of the Bayview Hunters Point Project area, and its community revitalization concept plan.
The EIR project area, the Bayview Hunters Point Project area, includes the three existing project areas and the portion of the Bayview Hunters Point survey area that has been found to suffer from physical and economic

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6 blighting conditions that is proposed to be added to the
7 Hunters Point project area. The draft EIR also covers the
8 proposed rezoning of land in the Bayview Hunters Point
9 survey area, consistent with apartments, eastern
10 neighborhoods rezoning alternative C, which is the maximum
11 housing zoning alternative.

12 In addition, the draft EIR includes eastern
13 neighborhoods rezoning alternative B, which is the planning
14 department's moderate housing zoning alternative. The
15 purpose of the hearing is solely to hear public testimony on
16 whether the draft EIR adequately evaluates the likely
17 adverse environmental effects of the proposed redevelopment
18 plan amendments and rezoning.

19 This is not a hearing on the proposed draft plan
20 amendments or the rezoning alternatives and no action is
21 scheduled for today. In order to evaluate the likely future
22 environmental effects, the draft EIR runs what if scenarios
23 that is, the forecast for probable effects on the
24 environment if development proceeds under the redevelopment
25 plan amendments and rezoning.

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1 As described in the project description chapter,
2 the draft EIR assumes that approximately 3,700 new dwelling
3 units and 2.4 million square feet of new floor area will be
4 built within the Bayview Hunters Point project area by the
5 year 2025.

6 Notably, half of the new floor area would come
7 from the stadium mall project at Candlestick Point. The
8 draft EIR assesses the impact of the new development and a
9 number of impact categories -- land use and zoning,
10 employment, housing and population, transportation, visual
11 quality, solar access and shading, wind, air quality, noise
12 coastal resources, hazards and hazardous materials, geology
13 and soils, hydrology and water quality, biotic resources,
14 public services and utilities and energy.

15 The following impacts have been identified in the
16 draft EIR as probable, significant, unavoidable
17 environmental effects. There are visual quality effects in
18 that the new stadium mall would block some shoreline and bay
19 views from residences at the St. Francis Bay Condominiums on
20 the south side Bayview Hill. And the new stadium mall would
21 change the visual character of the Candlestick Point State
22 Recreation Area as a portion of the park would be used for
23 stadium parking.

24 There are also traffic effects in that there will
25 be intersection level of service impacts during the P.M.

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1 peak hour at Third Street and Caesar Chavez Street; Third
2 Street and Evans Avenue; Bayshore Boulevard and Silver
3 Avenue; and Bayshore Boulevard at Industrial Way and
4 Alameda. In addition, there would be level of service
5 impacts on northbound U.S. Highway 101 south of Interstate
6 205 during the P.M. peak hours.

7 The public comment period on draft EIR began on
8 October 19, 2004, and will end on October 10, 2004. During
9 the comment period, the agency and planning commission must
10 hold hearings to receive public testimony on the adequacy of
11 the draft EIR. After the public hearings, agency and
12 planning department staff will prepare and publish a
13 document that will contain a summary of public comments,
14 both written and oral, on the adequacy of the draft EIR, and
15 responses to the comments, along with any changes to the
16 draft EIR.

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The planning commission held its hearing and received public comments on December 2, 2004. I now respectfully ask the commission to hear public testimony on the adequacy of the draft EIR. I would also remind the public that written comments on the draft EIR will be accepted up to 5:00 P.M. on December 10 at the Redevelopment Agency office at 770 Golden Gate Avenue. Thank you for your consideration.

MR. ROMERO: Thank you. Do we have public

comment?

MR. SECRETARY: Yes, we do, Mr. President. The first reader I have is Mr. David Beaupre, followed by Steve Atkinson, Arnold Townsend, and then Nick Griffin.

MR. BEAUPRE: Good evening, Commissioners and Director Rosen. David Beaupre with the Port of San Francisco, planner of the ports. The port would like to comment on two components of the draft EIR, including the land use analysis and transportation analysis.

Additionally, many of the port tenants in the southern waterfront have concerns about the draft EIR and asked me to convey their concerns tonight at this meeting. They regret they were not able to attend the meeting, but will send their comments in in written form by the end of the week.

The port's primary maritime and cargo operations at Pier 90 through 96 are located adjacent to the project area. These operations include importing and exporting cargo and related heavy industrial processing and manufacturing. The port's waterfront land use planned policy priority for the southern waterfront is to support and enhance cargo shipping and maritime uses and the ancillary supporting transportation infrastructure required. While the draft EIR cites the waterfront land use

plan, it recognizes only the port's public access and open space objectives, but makes no mention of the main maritime purpose and location of the facilities within the southern waterfront.

Given the ongoing public debate about balancing the city's industrial and housing objectives, we believe it is especially important to acknowledge these facilities, including the support freight rail and transportation system that exists through the Bayview Hunters Point project area. The draft EIR separately acknowledges the port's planning efforts to develop a warehouse and distribution facilities at pier 90 through 94. That discussion would be improved with the addition of text explaining the existing maritime industrial facilities and port maritime land use policies which provides context as to why the port is pursuing warehouse improvement.

In regards to the transportation analysis, impacts from the redevelopment on the JPSUP freight rail operations are not identified or addressed in the analysis. Currently the port operates freight service out of the intramobile cargo transfer facility adjacent to Cargo Way.

The port is also in the process of beginning construction on the Illinois Street intramobile bridge, which will provide direct freight rail across the street to pier 80 to the port's freight bulk facility. Freight

movements occur mid day, in the late evening, and early

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morning hours following existing track that runs adjacent to the former Coca-Cola site proposed for housing by a developer.

In addition to freight rail movements, Caltrain has a strategic plan to increase the frequency of passenger trips up and down the peninsula. The draft EIR analysis should address this, of course, transportation corridor and any impacts on existing and proposed land use activities adjacent to the rail right-of-way. The draft EIR also should be updated regarding the Illinois Street multi-modal bridge, which is now under construction in the first phase.

Port tenants in the pier 90 through 94 area have expressed concerns regarding the introduction of residential use adjacent to port maritime and industrial activities, particularly along Third Street at Cargo Way. Port tenant operations include freight rail cargo moving at various times throughout the day, including the late evening and early morning and early mornings and industrial traffic along Andor Street and Cargo Way, generating vehicle and train emissions, noise and lighting impacts that are not compatible with the possible residential uses next door.

The Illinois Street Bridge will alleviate some future congestion at Third and Cargo Way, however, freight trains will continue through the intersection, as well as industrial truck traffic accessing port and nonport

industrial businesses in that area. The draft EIR includes a discussion of the land use policy debate now underway regarding that they hope the degree to which industrial areas should be rezoned to allow new housing development. The draft EIR analysis should also address the potential physical effects and mitigation measures for new residential populations introduced into industrial areas. Thank you.

MR. TANJUAQUIO: Thank you. Mr. Atkinson? My name is Steve Atkinson of Steve (inaudible) and am here tonight on behalf of East Indian Basin, LLC. Our client's property includes a large piece of land located North Van Ness and very describing EIR as the Hunters Point shoreline road and our comments are focused on the efficiencies of EIR that relate to that area.

The EIR's project description is inadequate because it substantially understates the development that's likely to occur in this Hunters Point shoreline area, particularly with regard to the number of new residential units in this area through 2025. However, even under existing zoning, my client's property alone could provide 1,100 new units. The shoreline road also includes substantial housing authority property that is likely to be rebuilt to provide hundreds of additional units. Thus, the project description for the shoreline road at a minimum should be revised to reflect at least 1,500 new units, not 700.

Moreover, our client has submitted an environmental review application with the city for a project of about 1,600 units, plus 150,000 square feet of retail. The project application is significant new information that must be reflected in the EIR. In addition to the deficient project description, the EIR's transportation analysis should be substantially revised. The analysis shows that even with the unrealistic low estimate of recommended

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growth, the overall redevelopment project will have intersections that provide access to our client's property at Third and Caesar Chavez. The draft EIR fails to analyze needs for those impacts. The draft EIR identifies only a few possible intersections, then concludes with no real discussion and, therefore, that these impacts are significant and unavoidable.

The EIR then fails to analyze other possible mitigations to these unavoidable impacts. In the Hunters Point Shipyard Environmental Review the EIR identified a large number of additional transportation measures, traffic impacts and shipyard development. Just last week the planning commission adopted a mitigation (Inaudible) and the board of supervisors I think was considering that today, which included four pages of transportation management and transit improvements. These measures also must be discussed in the Bayview Hunters Point EIR. As it stands, the EIR fails to address an adequate range of mitigations.

Moreover, the EIR can discuss other possible mitigations including the new semi-trail bridge, which would direct traffic south away from Evans. Also, the EIR should address mass transit improvements, such as the bus rapid transit line extending along Embarcadero from the shipyard to the 24th and Mission. Finally, all the transportation analysis should reflect substantial additional development. Thank you very much.

MR. TANJUAQUITO: Thank you, Mr. Townsend?

MR. TOWNSEND: Thank you, Mr. President. Commissioners, just a couple very brief comments. Certainly I think much more work needs to be done on this draft EIR. I believe it's inadequate. I believe there are a lot of concerns just as those you just heard that have not yet been adequately addressed. Whether you like them or not, I propose the fact that they're the means they need to be addressed. They need to be addressed by the bodies that are charged with addressing those issues.

I think, unless I misunderstand the draft EIR, to say the addition of perhaps 2,000 units or more in that general area is not going to cause major traffic changes, to suggest there doesn't need to be major work done on reconfiguring intersections et cetera, it just doesn't make a lot of sense. There seems not to be real adequate consideration of the possible necessity of new bus lines or certainly altered bus lines and those kinds of things, I think have not been adequately addressed as of yet.

My recommendation is the agency should quickly proceed with a supplemental draft EIR to factor in new things that have happened and some of the things that certainly many of us feel have been left out. Thank you very much.

MR. TANJUAQUITO: Thank you, Ms. Griffin.

MS. GRIFFIN: Good evening, Commissioners. And I'm just representing myself, although I know I've spoke with many neighbors in my neighborhood so I know I represent a large number of people who live in Burl Heights, which is right along the edge of Bayshore Boulevard. My house actually looks east onto Bayshore Boulevard. I feel this draft EIR doesn't adequately address the huge adverse impacts that the new zoning on Bayshore Boulevard corridor would usher into our neighborhood.

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Apparently, it's a brand new zoning that will allow huge development. It will encourage the kinds of businesses that are too large for the neighborhood, will bring in a great deal of traffic, are often chain stores with the corporate headquarters with the profits going elsewhere.

I feel this doesn't address the topographical issue that Bayshore Boulevard runs right next to Burl Heights, which is a very steep hill, very steep narrow streets. The main road through Burl Heights is Cordone Avenue, which is actually quite a narrow street and really quite clogged with traffic. I think the traffic impacts are not addressed adequately in this EIR.

I also think the visual qualities are not addressed. Right now I really enjoy the area of Burl Heights. I like when I drive on Bayshore I can see the hillside. I won't be able to see them if there's a corridor of giant three-story shops with car garages. I really feel this zoning is inappropriate for this area. I feel that, if there needs to be some kind of zoning like this, it should be placed in a different part of the neighborhood where the streets are wide and the peninsula topography is flat. I think that's all.

I know that a lot of time is being spent on this plan. I know that especially the folks from the Bayview pack feel that people in Burl are holding up the plan and this is coming at the last minute. I consider myself well informed about these things and I didn't realize such a huge redevelopment plan was on the way. If I had realized earlier the kinds of effects it had on my neighborhood, I would have been more involved. Since we are having public hearings, it's not too late to try to address the issues. I feel what the development of this building will usher in is just inappropriate and unsustainable. I urge you to take the steps needed to look more closely at this particular area. Thank you.

MR. TANJUAQUITO: Thank you, Charlie Walker?

MR. WALKER: Thank you, Commissioners and Ms. Rosen. What it is, the way that we've been looking at this thing and it's been going on, everybody, when I go to these meetings, everybody say this is the most neglected area, this is the city's forgotten area. I know that we've been working on these projects for the last 10 or 15 years, but everybody keeps saying it's a neglected area but nothing is being done. I don't believe that-- I must tell you I just don't believe this could go on in a completely white area and have this much trouble trying to get something started.

Our people have the highest rate of unemployment from any people in Northern California that little area. We have the highest rate of cancer in that area. We have the worst conditions in the world. We can't seem to get a construction job started. There are private developers. I don't have absolutely nothing against the redevelopment. I think some of the guys are adding it and stopping private industry from investing and putting money in. I think it's kind of a bring down because I've had my experiences with the redevelopment agency since my mother and my aunt had property on Geary Street that the redevelopment agency took from us for what they wanted to do with it. That's one side

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of the way I'm looking at it.

But the main issue is the redevelopment, the EIR, it. I think there's room for private development out there, and people are going to holler and scream and yell, but when you stop and look at it, what do we have out there but a lot of unemployed young people? We need to start something out there and we have a company that wants to invest something out there, wants to start some construction. Because I think after all the work we've done on the shipyard, I don't see that job starting nowhere soon. If they run into anything with the toxic materials and stuff like that in that shipyard, we could be two or three years before we do anything in that shipyard, or even longer.

What I would like to see happen is that this EIR should be versatile enough that it could include some private industry doing some development on whatever side

that is, I guess the north side of Ennis Avenue on the bay side. If you look at the housing projects up there, they're talking about 7 or 800 people. Did you know that I was in a talking about a month ago where they was talking about the housing project from World War two, left over up there? There's only 750, 800 hundred families in all the vacant space up there on that hill. I don't know if you have ever rode out Ennis Avenue and looked up there, but I do think the EIR leaves too much to be desired the way it is and I think we need to be able to let private industry come in there as well. Thank you kindly.

MR. TANJUAQUIO: Thank you. That is all the cards I have, Mr. President.

MR. ROMERO: Anybody else who would like to address us on this item? We have one person. Please step to the microphone and please state your name for the record.

MS. VARTERESSIAN: I'm Astrid Varteressian, and I own a property in the redevelopment area. I'm not really qualified to discuss the adequacy of it. I just found out about it. In looking at this, it says this process started on June 3, 2003. For some reason, the first time I heard of it was the October 1st notice, so I downloaded the EIR.

One thing I have a problem with in my looking through this, I can't really tell where my property is. For anybody actually just looking at this, I'm not exactly sure

which my property falls under, Jamestown and I have to sort of count up from there. I did call Mr. Muraoka to find out where I am in this. The other thing I want to say this is obviously already gone on for quite some time. I'm wondering is there some way to get more materials to make sure I stay in the loop. This is obviously going to affect my property long term. This is the only notice I received. I downloaded the documents. It doesn't have to be from the committee but if someone would let me know how to stay involved, I would appreciate that. Thank you.

MR. ROMERO: Anybody else who would like to comment on this item? Seeing no one coming forward, we'll close the public comment period. See if we have any commissioner comments. Commissioner Yee?

MR. YEE: October 10 is the deadline to receive orders coming from the public. After that, the commission will meet? Is that what it is, or is there another hearing? How many more hearings will be set in the future?

MR. MURAOKA: Those are good questions. The EIR process is one where there is a statutory public comment period that is a minimum of 45 days. In our case, it is longer than 45 days. We started it on October 19. It will end on December 10. That is the period in which the agency and the planning department will receive comments on the EIR, both from the hearings, such as the one this evening, and in writing. So again, the closing comment period is December 10.

Following that, the agency and planning department staff and our consultant will compile all of the comments and formulate responses to them. We will compile that and the documents. It's called the summary of comments and responses. We will publish that and circulate it publicly, mail it to the commission, for a period of about two weeks.

After that time, there will be a meeting of the planning commission and a meeting of the agency commission to consider both the draft EIR and the subsequent document together as the final EIR. You will be asked to consider certifying the EIR as complete and adequate in evaluating the environmental effects. That meeting, I suspect, will be scheduled sometime in the spring, either February or March, when we return to you with that document. Following certification of the EIR, the two commissions, planning commission and the agency commission, can consider the various pieces of the project of the redevelopment plan amendments in the agency's case, the rezoning proposal in the planning department's case, along with a number of accompanying documents and resolutions.

After the agency commission acts on it and assuming that you act favorably on the plan amendments, we will then forward the documents to the board and they will consider it. The process would be sometime in February or March we will reconvene and have a hearing on the plan Amendment -- first certify the EIR, then hold a public hearing on the plan amendments. Following your action, it would go on to the board of supervisors for their consideration and action.

MR. YEE: Thank you.
MR. ROMERO: Any other commissioner questions or comments? I see none, so I think we're done with this item.

COUNTY OF SAN FRANCISCO)

I, HOLLY PIKE, Certified Shorthand Reporter, do hereby certify that I took down in Stenotype all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and that the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal in my office in the County of San Francisco, State of California, this 29th day of December, 2004.

HOLLY J. PIKE, RPR
CA CSR No. 12170

